

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
October 13, 2004

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R6 Commission Committee Reports
R7 Resolutions
R9 New Business and Commission Requests
R10 City Attorney Reports

Reports and Informational Items

Miami Beach



*"We are committed to providing excellent public service
and safety to all who live, work, and play in our vibrant, tropical, historic community."*

PA - Presentations and Awards

- PA1 Presentation Of The FPL Energy Efficiency Upgrade Rebate To City Of Miami Beach. (Page 2)
(Convention Center)
(Deferred from September 8, 2004)
- PA2 Certificates Of Excellence To Be Presented To Rachel James And Richard Riamonde For Their
Entries In The "Voting In America" Essay Contest.
(Requested by Commissioner Richard L. Steinberg)
- PA3 Key To The City To Be Presented To Gary Hall Jr., Miami Beach Resident And 10-Time Olympic
Champion, For His Outstanding Achievements In Swimming And His Gold Medal Win In The 50-
Meter Freestyle In The Athens Olympic Games.
(Requested by Commissioner Richard L. Steinberg)
- PA4 Medal Of Honor To Be Presented To Cayetano Garcia, Miami Beach Lifeguard & World Class Fin
Swimming Competitor, For Qualifying To Represent The United States In The 2004 World Fin
Swimming Competition.
(Requested by Mayor David Dermer)
- PA5 Certifications Of Completion For Participants Of The City Of Miami Beach Community Emergency
Response Team (CERT).
(Neighborhood Services)
- PA6 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award"
Winners For August And September 2004.
(City Manager's Office)
- PA7 Proclamation To Be Presented To The City Ad Hoc Charter Review And Revision Board For Their
Outstanding Contributions.
(Requested by Mayor David Dermer)
- PA8 Certificate Of Appreciation To Be Presented To Graziano Sbroggio For The Vote Miami Beach
Program.
(Requested By Vice-Mayor Richard L. Steinberg)
- PA9 Certificate Of Appreciation To Be Presented To David Wallack, Owner Of Mango's Tropical Cafe For
Donating \$5000 Dollars To Purchase Computers For PAL's Computer Lab.
(Police Department)

CONSENT AGENDA**Action:****Moved:****Seconded:****Vote:****C2 - Competitive Bid Reports**

- C2A Request For Approval To Purchase One (1) 2005 Thomas 140YS 78-Capacity Rear Engine Bus, From Freightliner Of South Florida, Pursuant To Florida Department Of Education Contract No. 2004-19, In The Amount Of \$83,424. (Page 5)
(Fleet Management)
- C2B Request For Approval To Award Contracts To Mercedes Electric Supply As Primary Vendor And Rexel Consolidated As Secondary Vendor, Pursuant To Invitation To Bid No. 35-03/04, For The Purchase Of Street Light Poles And Fixtures, In The Estimated Annual Amount Of \$215,000. (Page 8)
(Public Works)

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) To Manage And Operate The Log Cabin Training Facility. (Page 14)
(Neighborhood Services)
- C4B Referral To The Land Use And Development Committee - Discussion Regarding La Gorce Golf Course And The Conveyance Of Easements To The Adjoining Single Family Property Owners. (Page 16)
(Requested by Commissioner Luis R. Garcia, Jr.)

C6 - Commission Committee Reports

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of September 1, 2004: 1) Discussion Regarding The Greater Miami Convention And Visitor's Bureau (GMCVB) Strategic Plan And Contract Negotiations. (Page 19)
- C6B Report Of The Joint Meeting Of The Land Use & Development And Neighborhood/Community Affairs Committee Meeting Of September 13, 2004: 1) Discussion Regarding The Possible Application Of A National Register Of Historic Places District In North Beach; And 2) Discussion Regarding The Zoning Of Religious Institutions In The RS-4 District. (Page 29)

C6 - Commission Committee Reports (Continued)

- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of September 14, 2004: **1)** Change Order Report; **2)** Presentation: Status Of RFQ For Baseline Evaluation Of Condition Of City Facilities; **3)** Project Status Report: a. Fire Station No. 2; b. Fire Station No. 4; c. Normandy Isle Park And Pool; And **4)** Informational Items: a. Updated Calendar Of Scheduled Community Meetings; b. Biscayne Point RFQ For Design, Bid/Award, Construction Administration; c. North Shore RFQ For Design, Bid/Award, Construction Administration; d. Amendment To A/E Agreement For Normandy Shore Golf Course Project; E. Amendment To URS Agreement For Program Management Services. (Page 31)
- C6D Report Of The Joint Meeting Of The Finance And Citywide Projects And General Obligation Bond Oversight Committee Of September 15, 2004: **1)** Discussion Regarding The Capital Budget For FY 2004/05 And Capital Improvement Plan For FY 2005-2009; **2)** Discussion Regarding The South Pointe Park Request For Qualifications (RFQ); **3)** Discussion Regarding The Walker Parking/ Alternative Analysis & Feasibility Analysis; **4)** Discussion Regarding The Parking System Capital Plan And Funding Alternatives; **5)** Discussion Regarding The Forge Restaurant On-Street Parking; **6)** Discussion Regarding Funding Assistance For The Miami Beach Community Health Center Initiatives Which Provide Medical And Nursing Care To Needy Children At Miami Beach Public Schools; **7)** Discussion Regarding The Implementation Of A Trust Fund In Order To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson; And **8)** Discussion Regarding Space Rentals For Valet Parking On Ocean Drive/ 5th To 15th Street. (Page 41)
- C6E Report Of The Neighborhood/Community Affairs Committee Meeting Of September 29, 2004: **1)** Discussion Regarding City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date; **2)** Discussion Regarding The Ordinance Revising The Regulation And Administration Of Newspaper Racks; **3)** Discussion Regarding An Ordinance Revising The Regulation And Administration Of Sidewalk Cafes; **4)** Discussion Regarding The Formation Of A North Beach Youth Center Advisory Board; **5)** Discussion Regarding Lifeguard Stands; And **6)** Discussion Regarding An Ordinance Proposing Limits On Live-A-Boards And Houseboats. (Page 51)
- C6F Report Of The General Obligation Bond Oversight Committee Meeting Of October 5, 2004: **1)** Change Order Report; **2)** Discussion: a) Rescheduling Of November 2, 2004 Meeting; **3)** Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; And **4)** Informational Items: a) Updated Calendar Of Scheduled Community Meetings. (Page 57)

C7 - Resolutions

- C7A A Resolution Accepting A Donation Of \$75,000 From The Family Of Maurice Gibb For The Public Park Improvements Related To The Re-Naming, Design And Construction Of Maurice Gibb Memorial Park, The Park Formerly Known As Island View Park; And For The Appropriation Of Said Funding, In The Total Amount Of \$75,000, As Follows; \$63,085.57 For Construction Costs; \$946.28 For Gordian Fee (JOC); \$7,531.25 For Contingency; And \$3,436.90 For CIP Fee, As Supported By The Miami Beach Voters In The November 2003 Referendum. (Page 68)
(Capital Improvement Projects)
- C7B A Resolution Electing Commissioner Simon Cruz As Vice-Mayor For A Term Commencing On November 1, 2004, And Terminating On February 28, 2005, Or On Such Date When A New Vice-Mayor Is Thereafter Elected. (Page 77)
(City Clerk's Office)
- C7C A Resolution Re-Appointing Mr. Warren Bittner, Esq. To Serve As Special Master For Appeals Of Decisions Of The City's Historic Preservation Board Until July 1, 2007 And Setting The Compensation At \$100.00 Per Hour With A Maximum Payment Of \$500.00 Per Case, Retroactive To July 1, 2004. (Page 80)
(City Clerk's Office)
- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Auctioneers Pursuant To Request For Proposals (RFP) No. 30-03/04 For The Selection Of An Auctioneer To Sell To The Highest Bidder City-Owned Property Located At 2620 Biarritz Drive; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Fisher Auction Co. Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of National Auction Company; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration. (Page 85)
(City Manager's Office)
- C7E A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications To The Following Funding Agencies: 1) Florida Recreation Development Assistance Program For Funding In An Amount Not To Exceed \$200,000 For Renovations To Muss Park; 2) Florida Recreation Development Assistance Program For Funding, In An Amount Not To Exceed \$200,000 For Renovations To Normandy Park; And, 3) Retroactively To The State Of Florida Department Of Children And Families, Office Of Homelessness For Funding, In An Amount Not To Exceed \$36,000, For Funding For Homeless Prevention Activities; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Document Related To These Applications. (Page 114)
(Grants Management)

C7 - Resolutions (Continued)

- C7F A Resolution Approving The Settlement Of A City Lien On Real Property Owned By Mr. Morris Tabannejad At 3101 Indian Creek Drive, Unit 300, Miami Beach, Florida, Resulting From Special Master Case No. JB00000526/Building Violation No. BV00000557 And Providing That The Lien In The Amount Of \$255,435.26 Plus Interest Be Settled For The Amount Of \$5,000.00. (Page 121)
(City Manager's Office)
- C7G A Resolution Approving A Settlement Regarding Liens On Real Property Owned By Mr. Jorge V. Acevedo At 7746 Carlyle Avenue Resulting From Special Master Case/Code Compliance Case No. JC970813/CPMV-47989 And Special Master Case/Code Compliance Case No. JC970462/ZV961778 Providing That The Lien In The Amount Of \$564,996.49 Plus Interest Be Settled For The Amount Of \$40,702.15. (Page 126)
(Neighborhood Services)
- C7H A Resolution Approving And Authorizing The City Manager, To Execute An Amendment To The Interlocal Agreement Between The City And Miami-Dade County, Florida, Dated May 7, 2003; Said Amendment Permitting Miami Beach Parking Enforcement Specialists I And II To Enforce Provisions Of The Miami-Dade County Code, Specifically Regarding Vehicles For Hire Regulations. (Page 133)
(Parking Department)
- C7I A Resolution Declaring A Citywide Parking Emergency On The Following Respective Dates For The Following Respective Events; November 5-14, 2004 For The South Florida Auto Show; December 1-5, 2004 For Art Basel; December 31, 2004 For New Year's Eve Event; January 6-10, 2005 For Art Miami; January 14-16, 2005 For Art Deco Weekend; February 4-6, 2005 For Graphics Of The Americas; February 17-21, 2005 For The NMMA Miami International Boat Show; May 27-30, 2005 For Memorial Day Weekend; September 2-5, 2005; Allowing For The Use Of Specified Vacant Surface Lots Citywide. (Page 140)
(Parking Department)
- C7J A Resolution Retroactively Approving The Final Two-Year Option Of The Professional Services Agreement With Apcoa/Standard Parking For Parking Meter Collection Services, Commencing On August 28, 2004 And Expiring On August 27, 2006; And Amending The Agreement To Include Additional Provisions. (Page 145)
(Parking Department)
- C7K A Resolution Authorizing The Miami Beach Police Department To Issue A Request For Qualifications (RFQ) To Hire A Consultant To Conduct An Analysis To Determine The Most Effective Personnel Staffing Levels And Deployment, And To Evaluate Existing Policies Governing Overtime, Off-Duty And Secondary Employment For The Miami Beach Police Department. (Page 152)
(Police Department)

C7 - Resolutions (Continued)

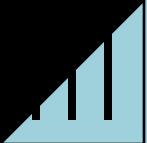
- C7L A Resolution Setting A Public Hearing On November 10, 2004, To Consider An After-The Fact Revocable Permit Request By Doron Valero, For Retaining A Masonry Fence In The City Right-Of-Way Adjacent To His Property Located At 320 South Coconut Lane. (Page 157)
(Public Works)
- C7M A Resolution Ratifying An Interlocal Agreement Between The City Of Miami Beach And The Housing Authority Of The City Of Miami Beach (HACMB) Relating To The Appointment Of Miguell Del Campillo As Interim Executive Director To The HACMB Effective August 19, 2004. (Page 170)
(City Manager's Office)
- C7N A Resolution Approving A Second Amendment To That Certain Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The Miami Beach Jewish Community Center, Inc. (JCC), For A Parcel Of Land And Facilities Located At 4221 - 4229 Pine Tree Drive, Miami Beach, Florida, Amending The Agreement To Extend The Time Periods For The JCC To Apply To The City's Design Review Board, Submit Plans For The Design Of The Proposed Improvements To The Property, To Obtain Building Permits And To Complete Construction Of The Proposed Improvements, And Amending Other Provisions Of The Agreement As Are Appropriate Under The Circumstances. (Page 187)
(Asset Management)
- C7O A Resolution Setting A Public Hearing For November 10, 2004, To Consider Waiving By 5/7ths Vote, The Disqualification Of Waste Management Of Dade County From Serving As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B) (4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Non-Exclusive Franchise Agreement For Residential And Commercial Waste Collection And Disposal In The City Of Miami Beach. (Page 200)
(Public Works)
- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 32-03/04, For Citizen/Public Opinion Survey Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hay Group, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Center For Research And Public Policy; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration. (Page 207)
(City Manager's Office)

End of Consent Agenda

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(Convention Center)
(Deferred from September 8, 2004)
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Lab.
(Police Department)

AGENDA ITEM PA1-9
DATE 10-13-04



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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Request For Approval To Purchase One (1) 2005 Thomas 140YS 78- Capacity Rear Engine Bus, From Freightliner Of South Florida, Pursuant To Florida Department of Education Contract No. 2004-19, In The Amount Of \$83,424.00.

Issue:

Shall the Commission approve the purchase?

Item Summary/Recommendation:

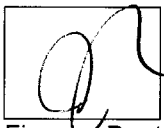
The 2005 Thomas 140YS 78-Capacity Rear Engine Bus is a budgeted replacement and will be funded by the Fleet Management Replacement Fund. This vehicle will be used by the Recreation Division of the Parks and Recreation Department in support of various youth, athletic and family oriented programs. This vehicle will be equipped with seat belts, air ride suspension, PA system, diesel noise package, air-conditioning, and a 129 cubic feet baggage compartment.

The Administration recommends approving the purchase.

Advisory Board Recommendation:

n/a

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|--|--------------|-------------|---|----------|
|  Finance Dept. | 1 | \$83,424.00 | 510.1780.000673 Fleet Management Replacement Fund | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | \$83,424.00 | | |

City Clerk's Office Legislative Tracking:

Andrew Terpak

Sign-Offs:

| Department Director | | Assistant City Manager | City Manager |
|---------------------|----|------------------------|--------------|
| KS | GL | RCM | JMG |
| AET | | | |

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AGENDA ITEM C2A
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REQUEST FOR APPROVAL TO PURCHASE ONE (1) 2005 THOMAS 140YS 78-CAPACITY REAR ENGINE BUS, FROM FREIGHTLINER OF SOUTH FLORIDA, PURSUANT TO FLORIDA DEPARTMENT OF EDUCATION CONTRACT NO. 2004-19, IN THE AMOUNT OF \$83,424.00.

ADMINISTRATION RECOMMENDATION

Approve the purchase.

BID AMOUNT AND FUNDING

\$83,424.00 Fleet Management Replacement Fund 510.1780.000673

ANALYSIS

This vehicle is recommended to be purchased pursuant to Florida Department of Education Contract No. 2004-19.

The 2005 Thomas 140YS 78-Capacity Rear Engine Bus is a budgeted replacement and will be funded by the Fleet Management Replacement Fund. This vehicle will be used by the Recreation Division of the Parks and Recreation Department in support of various programs such as Summer Camp, after-school transportation from schools to the parks and field trips, special events, teen and family weekend programs, athletic events and tournaments for soccer, baseball and basketballs teams. This vehicle will also be used for hurricane deployment transporting City workers back into the City.

The 2005 Thomas 140SY 78-Capacity Rear Engine Bus will be equipped with seat belts, air ride suspension, PA system with radio, diesel noise package, air-conditioning, and a 129 cubic feet baggage compartment.

The vehicle listed below met or exceeded the established criteria for replacement:

| Veh# | Dept. | Year | Make/Model | Mileage | Life to Date Maintenance | Condition |
|--------|-------|------|------------|---------|--------------------------|-----------|
| 1506-9 | 0950 | 1989 | Bluebird | 62,010 | \$27,793.59 | Fair |

The criteria are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and

overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.

The Administration recommends that the City Commission approve the purchase of one (1) 2005 Thomas 140YS 78-Capacity Rear Engine Bus, from Freightliner of South Florida, pursuant to Florida Department of Education Contract No. 2004-19, in the amount of \$83,424.00.



JMG/RCM/KS/GL/AET/mo

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

Request for Approval to Award Contracts to Mercedes Electric Supply as Primary Vendor and Rexel Consolidated as Secondary Vendor, Pursuant to Invitation to Bid No. 35-03/04, for the Purchase of Street Light Fixtures and Street Light Poles, in the Estimated Annual Amount of \$215,000.

Issue:

Shall the City Commission Approve the Award to Primary and Secondary vendors?

Item Summary/Recommendation:

The purpose of Invitation to Bid No. 35-03/04 (the "Bid") is to establish a contract to primary and secondary vendors, by means of sealed bids, for the supply and delivery of various street light fixtures and street light poles, on an as needed basis, from a source(s) of supply that will give prompt and efficient service.

The contract shall remain in effect from time of award by the Mayor and City Commission until December 31, 2005, and may be renewed by mutual agreement for two additional years.

The lowest and best bids per group were received from Mercedes Electric Supply. South Dade Electrical Supply submitted a lower bid on Groups I, II and V, however they were disqualified pursuant to the Vendor Campaign Ordinance.

Mercedes Electric Supply has been in business for 12 years. They currently have a contract with the City (Bid 12-02/03) for the purchase of electrical supplies for Property Management. Their performance under the current contract is very satisfactory.

APPROVE THE AWARD OF CONTRACTS.

Advisory Board Recommendation:

N/A

Financial Information:

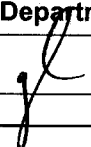
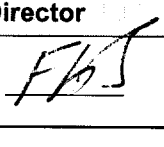
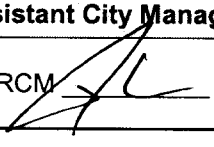
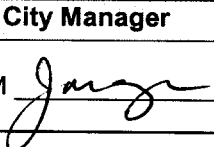
| Source of Funds: | Amount | | | Account | Approved |
|------------------|--------|--------------|---------------------------|---------|----------|
| | 1 | \$215,000.00 | | | |
| | 2 | | | | |
| | 3 | | | | |
| | 4 | | | | |
| | Total | \$215,000.00 | (Estimated Annual Amount) | | |

Finance Dept.

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext. 6641

Sign-Offs:

| Department Director | | Assistant City Manager | City Manager |
|--|--|---|---|
| GL  | FB  | RCM  | JGM  |

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **REQUEST FOR APPROVAL TO AWARD CONTRACTS TO MERCEDES ELECTRIC SUPPLY AS PRIMARY VENDOR AND REXEL CONSOLIDATED AS SECONDARY VENDOR, PURSUANT TO INVITATION TO BID NO. 35-03/04, FOR THE PURCHASE OF STREET LIGHT POLES AND FIXTURES, IN THE ESTIMATED ANNUAL AMOUNT OF \$215,000.**

ADMINISTRATION RECOMMENDATION

Approve the Award of Contracts.

BID AMOUNT AND FUNDING

\$215,000 Account Number 011.9407.000342 Gas Tax Fund

ANALYSIS

The purpose of Invitation to Bid No. 35-03/04 (the "Bid") is to establish a contract to primary and secondary vendors, by means of sealed bids, for the supply and delivery of various street light fixtures and street light poles, on an as needed basis, from a source(s) of supply that will give prompt and efficient service.

The contract shall remain in effect from time of award by the Mayor and City Commission until December 31, 2005. Providing the successful bidder will agree to maintain the same price, terms and conditions of the current contract, this contract could be extended for an additional two (2) years, on a year-to-year basis, if mutually agreed upon by both parties.

The Bid was issued on August 18, 2004, with an opening date of September 9, 2004. BidNet issued bid notices to 22 prospective bidders. The notices resulted in the receipt of three (3) bids.

The lowest and best bids received per group are shown on the attached Bid Tabulation. South Dade Electrical Supply submitted the lowest bid on Groups I, II and V, however they were disqualified pursuant to the Vendor Campaign Ordinance.

Pursuant to the City's Vendor Campaign Prohibition Ordinance (the "Ordinance"), the City Attorney's office advise that South Dade Lighting's contribution to a candidate who has been elected to the office of Commissioner, would be considered an indirect contributions by South Dade Electrical. Indirect contributions by an individual or entity are prohibited by the Ordinance. The basis for the indirect contribution ruling is that the same individuals with a controlling financial interest in South Dade Lighting have a controlling interest in South Dade Electrical. Therefore, the South Dade Electrical bid submitted in response to the invitation to bid is rejected. The Ordinance prohibits South Dade Electric from being awarded contracts or issued purchase/standing orders for a period of one year from the date the candidate was sworn into office (from November 18, 2003 until November 18, 2004).

The Administration cannot justify a best economic interest waiver, since there is a difference of approximately \$2,000 with the second lowest bidder, Mercedes Electric, on an estimated \$215,000 yearly contract for the purchase of street light poles and street light fixtures for the Public Works Department.

Mercedes Electric Supply has been in business for 12 years. They currently have a contract with the City (Bid 12-02/03) for the purchase of electrical supplies for Property Management. The secondary bidder, Rexel Consolidated was awarded a contract under the previous bid process for the purchase of street light fixtures and poles. The performance of both vendors on their contracts they hold with the City is very satisfactory.

RECOMMENDATION

Based on the analysis of the bids received, it is recommended that the City award contracts to MERCEDES ELECTRIC as primary vendor and REXEL CONSOLIDATED as secondary vendor.

BID TABULATION

See attached Bid Tabulation.

ITB 35-03/04
Bid Tabulation

| | | MERCEDES ELECTRIC Primary | | REXEL ELECTRIC Secondary | | * SOUTH DADE ELECTRICAL | |
|--------------------------------|------|------------------------------|----------------------|-----------------------------|----------------------|----------------------------|---------------------|
| | Qty. | Unit Price | Total \$ | Unit Price | Total \$ | Unit Price | Total \$ |
| Group I – Kim Lighting | | | | | | | |
| 1. Cat #SBC-175MH480-DB-E | 16 | \$770.84 | \$12,333.44 | \$814.00 | \$13,024.00 | \$760.00 | \$12,160.00 |
| 2. Cat #SBC-250MH480-DB-E | 16 | 791.67 | 12,666.72 | 836.00 | 13,376.00 | 785.00 | 12,560.00 |
| 3. Cat #SBC-250MH120-DB-E | 10 | 791.67 | 7,916.70 | 836.00 | 8,360.00 | 785.00 | 7,850.00 |
| 4. Cat #98835-480-R | 20 | 88.54 | 1,770.80 | 93.50 | 1,870.00 | 87.50 | 1,750.00 |
| 5. Cat #98833-480-R | 20 | 109.38 | 2,187.60 | 115.50 | 2,310.00 | 109.00 | 2,180.00 |
| 6. Cat #98833-120-R | 20 | 109.38 | 2,187.60 | 115.50 | 2,310.00 | 109.00 | 2,180.00 |
| 7. Cat #98835-120-R | 10 | 88.54 | 885.40 | 93.50 | 935.00 | 87.50 | 875.00 |
| SUBTOTAL | | | \$ 39,948.26 | | \$ 42,185.00 | | \$ 39,555.00 |
| Group II – General Electric | | | | | | | |
| 8. G.E. #M4AR40S1M1GMN32 | 20 | \$186.40 | \$3,728.00 | \$196.85 | \$3,937.00 | \$183.30 | \$3,666.00 |
| 9. G.E. #M4AR40S5M1GMN32 | 20 | 191.89 | 3,837.80 | 202.63 | 4,052.60 | 188.60 | 3,772.00 |
| 10. G.E. #M4AR25S1M2GMN32 | 50 | 180.92 | 9,046.00 | 191.05 | 9,552.50 | 178.00 | 8,900.00 |
| 11. G.E. #M2AR10S1M1GMN32 | 10 | 180.92 | 1,809.20 | 191.05 | 1,910.50 | 178.00 | 1,780.00 |
| 12. G.E. M4AR40S1M | 5 | 98.69 | 493.45 | 104.21 | 521.05 | 97.00 | 485.00 |
| 13. G.E. M4AR40S5M | 30 | 104.17 | 3,125.10 | 110.00 | 3,300.00 | 103.00 | 3,090.00 |
| 14. G.E. M4AR2531M | 30 | 93.20 | 2,796.00 | 98.42 | 2,952.60 | 91.70 | 2,751.00 |
| 15. G.E. M4AR25S5M | 15 | 98.69 | 1,480.35 | 104.21 | 1,563.15 | 97.00 | 1,455.00 |
| 16. G.E. M2AR10S1M | 10 | 87.72 | 877.20 | 92.63 | 926.30 | 86.30 | 863.00 |
| SUBTOTAL | | | \$ 27,193.10 | | \$ 28,715.70 | | \$ 26,762.00 |
| Group III – Unique Solutions | | | | | | | |
| 17. US # GV1A175MH12AB | 10 | \$511.34 | \$5,113.40 | \$539.98 | \$5,399.80 | | 0.00 |
| 18. US # GV1A175MH48AB | 15 | 511.34 | 7,670.10 | 539.98 | 8,099.70 | | 0.00 |
| 19. US # GV1A15AHP48AB | 10 | 548.89 | 5,488.90 | 579.62 | 5,796.20 | | 0.00 |
| 20. US # GV1A100MV48AB | 13 | 486.38 | 6,322.94 | 513.61 | 6,676.93 | | 0.00 |
| 21. US#GV1A73B | 10 | 61.04 | 610.40 | 64.46 | 644.60 | | 0.00 |
| SUBTOTAL | | | \$ 25,205.74 | | \$ 26,617.23 | | 0.00 |
| Group IV – Holophane | | | | | | | |
| 22. #RLPT-175 MH-12-BK-33 | 20 | \$509.14 | \$10,182.80 | \$537.65 | \$10,753.00 | | 0.00 |
| 23. #RLPT-175 MH-48-BK-33 | 25 | 509.14 | 12,728.50 | 537.65 | 13,441.25 | | 0.00 |
| 24. #RLPT-100 MP-12-BK-33 | 20 | 539.95 | 10,799.00 | 570.19 | 11,403.80 | | 0.00 |
| SUBTOTAL | | | \$ 33,710.30 | | \$ 35,598.00 | | 0.00 |
| Group V -Transformer Base/Pole | | | | | | | |
| 25. Hapco #65803 | 20 | \$223.40 | \$4,468.00 | \$280.50 | \$5,610.00 | \$225.00 | \$4,500.00 |
| 26. Hapco #22-958 | 12 | 1,091.86 | 13,102.32 | 1,452.00 | 17,424.00 | 1,100.00 | 13,200.00 |
| 27. Mainstreet Windsor #FF1202 | 80 | 893.74 | 71,499.20 | 943.80 | 75,504.00 | 878.00 | 70,240.00 |
| SUBTOTAL | | | \$ 89,069.52 | | \$ 98,538.00 | | \$ 87,940.00 |
| TOTAL ALL GROUPS: | | | \$ 215,126.92 | | \$ 231,653.98 | | |

*Disqualified pursuant to the Vendor Campaign Ordinance

New Catalog Numbers Group III:

17. Holophane GV175MH12AB3NNU
18. Holophane GV175MH48AB
19. Holophane GV15AHP48AB3NNU
20. Holophane GV175MV48AB3NNU

New Catalog Numbers Group IV:

22. Holophane RP175MH12BG3
23. Holophane RP175MH48BG3
24. Holophane RP100HP12BG3

Proposed Equals Group V:

25. Flagpoles Inc. #TBI-20
26. Flagpoles Inc. # FPSLS10635CD-2-8-FCL COMB

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CITY OF MIAMI BEACH

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REFERRAL TO THE NEIGHBORHOOD/COMMUNITY AFFAIRS
COMMITTEE - A RESOLUTION AUTHORIZING THE ISSUANCE OF A
REQUEST FOR PROPOSALS (RFP) TO MANAGE AND OPERATE THE
LOG CABIN TRAINING FACILITY.

ADMINISTRATION RECOMMENDATION

The Administration recommends referring this item to the Neighborhood/Community Affairs Committee.

BACKGROUND

The Log Cabin Training Center was founded by the City of Miami Beach in 1983 to provide vocational and life skills training and support services to developmentally disabled adults. The Center operates three licensed programs:

- Adult Day Training (ADT) which provides vocational and life skills training featuring two major tracks, horticulture and hospitality/food preparation.
- Supported Employment (SE) which provides job placement and on-the-job training and supports for the developmentally disabled clients transitioning to mainstream employment.
- Supported Independent Living (SIL) which provides 24-hour support and home and community-based training for developmentally disabled clients transitioning from institutional or caregiver settings to independent living.

The Center operates from a City-owned building at 8128 Collins Avenue and the Center's seven staff members handle training, instructional planning and career development and administration. Of the seven staff members, only one is a City employee and the remaining six are independent contractors with experience in working with developmentally disabled adults. Funded primarily by Medicaid Waiver fees provided for eligible clients, the Center serves 35 developmentally disabled adults in its Adult Training Program five days a week from 8:30 am to 3:00 pm. The Center currently serves 15 Supported Employment clients working the City's Parks and Recreation Department, Fuddruckers, Aventura, Miami Beach Convention Center, Dadeland Marriott and Publix among other employers. The Center serves five Supported Independent Living clients all living in Miami Beach.

Agenda Item C 4A
Date 10-13-04

The Center has an established relationship with Log Cabin Enterprises, Inc./Log Cabin Nursery. The Nursery is a 501(c)3 organization that has a contract with the City of Miami Beach to operate a sheltered worksite for developmentally disabled adults. The Nursery shares use of the City-owned property on which it is located with the Center. The Center and Nursery have a Memorandum of Understanding that delineates a partnership agreement utilizing the Nursery as a sheltered workplace for ADT, SE and SIL clients.

ANALYSIS

The City of Miami Beach is seeking a not-for-profit or for-profit organization to assume the administration and management of the Log Cabin Training Center and its various programs. The proposed RFP will specifically request that same programming and services be maintained and will not include the Log Cabin Nursery. Additionally, the City is including in the RFP scope of services criteria to ensure that we secure an organization with extensive experience in delivering services to the developmentally disabled as well as the appropriate state and local licenses. As a rule, these types of programs are usually run at the regional level not by a municipal entity and/or operated by a not-for-profit. An example is Miami-Dade County which through the Department of Human Services runs similar programs for children, adults and senior citizens. The City, through the RFP process, intends for the program to be maintained in its current state but will not be the direct service provider.

JMG/RSMA/RC





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CITY MANAGERS OFFICE
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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA, JR.
COMMISSIONER**

DATE: OCTOBER 6, 2004

RE: AGENDA ITEM FOR OCTOBER 13, 2004 COMMISSION MEETING

Please place on the October 13, 2004 City Commission Meeting Agenda, a referral to the Land Use and Development Committee regarding a discussion item dealing with LaGorce Golf Course and the conveyance of easements to the adjoining single family property owners.

LRG/sm

Agenda Item C4B
Date 10-13-04

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE SPECIAL FINANCE AND CITYWIDE PROJECTS
COMMITTEE MEETING OF SEPTEMBER 1, 2004.**

A meeting of the Finance and Citywide Projects Committee was held on September 1, 2004 at 2:35 p.m. in the City Manager's Large Conference Room.

Finance and Citywide Projects Committee Members in attendance included: Chairperson Commissioner Jose Smith, Vice-Mayor Commissioner Richard L. Steinberg, and Commissioner Matti Herrera Bower.

Also in attendance were Commissioner Saul Gross and Commissioner Luis R. Garcia, Jr.

City staff was represented by: Jorge M. Gonzalez, City Manager; Patricia D. Walker, Chief Financial Officer; Christina M. Cuervo, Assistant City Manager; Raul Aguila, First Assistant City Attorney; Max Sklar, Acting Tourism and Cultural Development Director; Manny Marquez, Finance Manager; Margarita Alcon, Office Associate V; and, Dolores Mejia, Office Associate V.

Others in attendance included:

Don Peebles, Bill Talbert, Al West, David Whitaker, and Ita Moriarity from the Greater Miami Convention and Visitors Bureau; David Kelsey, South Beach Hotel and Restaurant Association; Stu Blumberg, Greater Miami and the Beaches Hotel Association; Marty Evans, CBA Group; Elsie Howard and Grisette Roque, from the Miami Beach Visitor and Convention Authority.

NEW BUSINESS:

- 1. Discussion regarding the Greater Miami Convention and Visitors Bureau (GMCVB) Strategic Plan and contract negotiations.**

Action

The Committee directed the Administration to negotiate terms of a new agreement with the GMCVB, based on the parameters proposed in the September 1, 2004 memo to the Finance and Citywide Projects Committee, and to bring back the negotiated contract terms to the City Commission.

Agenda Item C6A
Date 10-13-04

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that on May 22, 2002 the City Commission exercised the final two-year option of the GMCVB contract, and directed the Administration to review and assess the GMCVB model to determine what was in the best interest for the City of Miami Beach.

Mr. Gonzalez additionally stated that the City Commission authorized the issuance of a contract with the firm ERA in order to conduct an independent study/analysis of the GMCVB for the City. Mr. Gonzalez added that Miami-Dade County (County) similarly did an independent study and evaluation of the GMCVB.

Mr. Gonzalez stated that the ERA study and its findings have been previously discussed at the Finance and Citywide Projects Committee, where the Committee instructed the Administration to review and analyze how the GMCVB has fulfilled its obligations under their current contract, and to compare the ERA report with the County study and the GMCVB's strategic plan.

Mr. Gonzalez added that on July 21, 2004, the GMCVB Executive Committee formally adopted their strategic plan. Mr. Gonzalez further added that on July 28, 2004 the GMCVB's Strategic Plan was submitted to the city for review as required pursuant to their current contract. Mr. Gonzalez stated that while the GMCVB Strategic Plan is late, as it was due to the City in September of 2003, it is a good document which captures comments made by the City and addresses a number of the comments made by the ERA study and by the consultants hired by the County.

Mr. Gonzalez also stated that the Administration has reviewed the contract terms of the two-year option of the City/GMCVB contract, and he would rate the GMCVB's overall performance during this period to be generally positive.

Commissioner Luis R. Garcia, Jr. stated that when reviewing the past two years of the GMCVB's performance, the City should be mindful that some of the conventions that took place during this two-year window could have been in the makings and planned for many more years than just the previous two years.

Mr. Gonzalez added that as part of the City's review of the GMCVB, the Administration has also conducted a "Stakeholder Survey" soliciting input from various sources within the industry in order to evaluate the GMCVB's performance.

Mr. Gonzalez added that while it is evident that the tourism industry has flourished in Miami Beach over the last two years, it is a struggle to determine the direct and indirect correlation of the industry's successes to the efforts of the GMCVB. Mr. Gonzalez added that Resort Tax collections, average daily room rates, and occupancy rates all indicate strong performances for the industry; and, while not directly a result of the GMCVB's efforts, these indicators are influenced by their activities.

Mr. Bill Talbert, Mr. Don Peebles, and Mr. David Whitaker, from the GMCVB addressed the Committee and gave examples of how the GMCVB plays a major role in bringing convention bookings and special events to Miami Beach and the Greater Miami region. Mr. Talbert further described the sequence of events that brought the Music Television (MTV) Video Music Awards (VMA) to Miami. Mr. Peebles elaborated on the GMCVB's efforts to bring tourism to the region during the traditionally slow months of the summer.

Commissioner Saul Gross stated that the MTV VMA was an incredible event for the region and many sectors of the tourism industry in Miami Beach flourished as a result of this event, including the retail sector. Commissioner Gross further stated that efforts should be made to include the smaller boutique hotels of Miami Beach by the GMCVB when marketing the destination.

Mr. Talbert summarized the key areas of the GMCVB's Strategic Plan:

- Infrastructure Improvements
- Visitor Experience
- Sales and Marketing
- Industry Spokesperson
- Measurement Criteria/ Performance Indicators

Chairperson Commissioner Jose Smith stated that the independent consultant report states that one of the areas that the GMCVB can improve in involves government relations. Mr. Peebles replied that the GMCVB has improved in this area and has positioned itself to reach out to the community and evaluate the feedback obtained. Mr. Peebles further stated that since the GMCVB office relocation issue, the relationship between the City and the GMCVB has been much more cordial than in the past.

Mr. Whitaker summarized efforts made by the GMCVB to improve its website.

Chairperson Smith asked if the GMCVB has made any efforts to raise private sector funding? Mr. Peebles responded that the GMCVB is initiating steps to augment membership and increase private sector funding.

Mr. David Kelsey from the South Beach Hotel and Restaurant Association stated that he would like to see more done by the GMCVB and the City in marketing South Beach. Mr. Peebles stated that marketing efforts should not be limited to South Beach; these efforts should also include North Beach and Middle Beach.

Commissioner Gross stated that any additional marketing efforts undertaken by the City, such as those accomplished by the Miami Beach Visitor and Convention Authority, compliment the efforts undertaken by the GMCVB.

Mr. Gonzalez stated that the current contract with the GMCVB expires on September 30, 2004. Mr. Gonzalez added that if the Committee directs the Administration to negotiate a new contract with the GMCVB and if said contract is not resolved by the October 13, 2004 City Commission meeting, the City could operate on a month to month basis with the GMCVB, until a new contract is resolved.

Mr. Gonzalez summarized the Administration's proposed parameters for negotiating a new contract with the GMCVB, as included in his September 1, 2004 memo to the Finance and Citywide Projects Committee (memo enclosed as Attachment A).

The Committee discussed the following elements of the proposed parameters for negotiating terms of a new contract with the GMCVB:

- Term:
 - 5 years
 - Mandatory benchmarks
 - Performance measures
 - Renewal options
- Funding:
 - Current level - \$5 million base
 - Current provision for CAC, MBCC
 - Current City allocation of \$1 million within the base
- Incentive:
 - Hold in City Resort Tax Budget for Resort Tax related initiatives
- Watson Island Fund:
 - Disposition to be determined

The Committee directed the Administration to negotiate terms of a new agreement with the GMCVB, based on the parameters proposed in the September 1, 2004 memo to the Finance and Citywide Projects Committee, and to bring back the negotiated contract terms to the City Commission.

JMG/PDW/mim .

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ATTACHMENT A

CITY OF MIAMI BEACH
Office of the City Manager
Interoffice Memorandum



To: Finance & Citywide Projects Committee

Date: September 1, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **GREATER MIAMI CONVENTION AND VISITOR'S BUREAU (GMCVB)
STRATEGIC PLAN AND CONTRACT NEGOTIATIONS**

Background

On May 22, 2002, the Mayor and City Commission adopted Resolution No. 2002-24854, authorizing the renewal of the Agreement between the City of Miami Beach and the Greater Miami Convention and Visitors Bureau (the "Bureau") conditioned upon the issuance of a Request for Proposals (RFP) to review and assess the current Bureau governance, structure, processes and overall operations, and make recommendations as to what model and/or structure should provide the services to achieve optimal sales, marketing, and public relations efforts to enhance the City's Tourism and Convention Industries.

On July 31, 2002, the Mayor and City Commission discussed whether the City of Miami Beach should participate with Miami-Dade County and the City of Miami in a collaborative study and evaluation of the Bureau, and elected to conduct its own study.

On November 13, 2002 the Mayor and City Commission adopted Resolution No. 2002-25072 and authorized a contract with ERA to:

- Review and assess the Bureau governance, structure, processes and overall operations;
- Make recommendations as to what type of model/structure should exist to enhance the City of Miami Beach's tourism and convention industries;
- Compare and provide a comprehensive report on Bureau operations relative to industry standards;
- Evaluate and recommend strategic approaches for the CMB to meet objectives identified in the Market Assessment ;
- Assess any adverse/positive impact as a result of the Bureau's efforts to market Greater Miami versus Miami Beach only; and

On January 14, 2004 the City Commission referred discussion regarding the ERA study to Finance and Citywide Projects Committee.

On March 15, 2004, the Finance & Citywide Projects Committee discussed the City's review assessment and recommended structure of the GMCVB conducted by ERA. The Committee instructed the Administration to review and analyze the GMCVB's latest contract to rate how they have fulfilled their obligations and compare the City's consultant report in conjunction with Miami-Dade County's and the GMCVB's strategic plan.

On July 28, 2004, the GMCVB's Strategic Plan was submitted to the Mayor and City Commission for their review and as required pursuant to the current contract.

Analysis

Outlined below is a summary of the ERA Report and the GMCVB Strategic Plan which serves to consolidate the various findings and recommendations contained in the reports and studies conducted by the City, the GMCVB and the County, over the past year. Additionally, a summary of the GMCVB's contract performance and a summary of a City initiated survey conducted of Miami Beach Hoteliers and stakeholders vis-à-vis the GMCVB is also provided. Collectively, this information should be utilized to provide guidance relative to ongoing contract negotiations.

ERA Study

As stated above, ERA performed an analysis of the GMCVB for the City of Miami Beach. In summary, ERA's findings reflect the following:

Issue: Review and assess the Bureau governance, structure, processes and overall operations

Finding: GMCVB is performing professionally and effectively however, some immediate improvements are needed, namely improving the quality of the relationship between the Bureau and the City, completing the strategic plan and strengthening the governance of the Bureau.

Issue: Make recommendations as to what type of model/structure should exist to enhance the City of Miami Beach's tourism and convention industries

Finding: The GMCVB is the appropriate model/structure however there is room for improvement.

Issue: Compare and provide a comprehensive report on Bureau operations relative to industry standards.

Finding: Benchmarking the GMCVB against seven peer bureaus found operations in Miami to be comparable to those in other major tourist destination metropolitan areas.

Issue: Evaluate and recommend strategic approaches for the CMB to meet objectives identified in the Market Assessment.

Finding: The Strategic Plan should address targeting and positioning. The CMB can gain the most leverage on the invested effort by working through the regional bureau and yet maintain a local capability for ongoing tourism product development and community relations.

Issue: Assess any adverse/positive impact as a result of the Bureau's efforts to market Greater Miami versus Miami Beach only.

Finding: An attempt on the part of the CMB to "go it alone" independent of the GMCVB would have an adverse impact on Miami Beach. It is in the best interest of the CMB to continue to participate in the regional marketing structure provided by the GMCVB, but retain responsibility for some local tourism programs as well.

Strategic Plan

As required pursuant to the existing contract between the City of Miami Beach and the Greater Miami Convention and Visitor's Bureau (GMCVB) and serving as a consolidating document of the City of Miami Beach's Economic Research Associates (ERA) study, the Miami-Dade performance review and evaluation prepared by CSL/Marshall Murdaugh, research finding/recommendations by Ernst & Young, the attached Strategic Plan and Stated Goals is submitted as the GMCVB's future strategic work plan. The Strategic Plan was approved by the GMCVB Board and Executive Committee on July 21, 2004 and serves to consolidate the various findings and recommendations contained in each of the aforementioned studies/reports.

In summary, the Strategic Plan incorporates the findings and recommendations of the independent studies performed and the recommended priorities adopted by the GMCVB Board. The plan sets forth the GMCVB Shared Vision for the destination which is *To be America's Premier Tropical, Cosmopolitan Destination* and it lists 5 specific goals as follows:

- Enhance the Destination's Tourism and Related Infrastructure and Continue to Develop and Expand Attraction Assets
- Enhance the Visitor Experience
- Optimize Sales and Marketing Activities Resulting in Maximum Performance and Results
- Position the GMCVB as "True Stewards" and "Voice" of the Visitor Industry
- Establish Measurement Criteria for Each Element of the Strategic Plan (both for the GMCVB and the Community) including Clearly defined Leadership Roles, Time-Lines and Funding Requirements.

As the Strategic Plan is prepared in fulfillment of a contract requirement, future performance will be tied to the deliverables and performance measures contained therein.

GMCVB Performance

The Administration and GMCVB staff have reviewed the contract terms specified in the Amended Agreement between the City of Miami Beach and the Greater Miami Convention and Visitors Bureau (GMCVB). Attached hereto and pursuant to my request, the GMCVB has prepared a Contract Performance Analysis for the contract period of October 1, 2002 through September 30, 2004 (to date) with regard to the key elements included in the contract. The analysis indicates that the GMCVB complied with all contract terms, including but not limited to, the Advertising RFQ requirements and maintaining Miami Beach's representation on the GMCVB Boards and Committees at 40% of the total. Additionally, a summary of the deliverables relative to the sub-market initiatives is included.

A further review of the GMCVB performance in the area of Convention Sales and Marketing has been requested. Specifically, performance in the area of bookings, estimated economic impact and the resultant return on investment as well as a comparative visitor profile depicting growth in overnight visitors and in shoulder season occupancy will be provided.

I would rate the GMCVB's performance over the contract period to be generally positive. As in past years, we struggle with determining the direct and indirect outcome of their efforts but there is no doubt that tourism (in its broadest definition) in Miami Beach has prospered over the past two (2) years. Resort tax collection, average daily room rates and occupancy rates all indicate strong performance for the industry. While not completely or directly a function of the GMCVB's efforts, these indicators are influenced by their activities. A key indicator, however, is our focus on the summer festival season and the GMCVB has made and continues to make significant efforts to improve tourism during this period. Indications are that we have made great strides as a destination in generating business during the summer months.

While generally the industry and the destination has performed well during the past two (2) years, there are certain initiatives which I believe the GMCVB could have and should have been handled in a better manner. The issue of the office relocation is one example. It is my belief that this review was mishandled by the GMCVB leading to a greater strain on the relationships between the GMCVB and the City. While I am disappointed in the outcome, I am more troubled with the process. A decision of that significance should not have been considered and voted on by the Board in such a rushed manner with little or no sensitivity to the concerns of certain Miami Beach partners.

Another example is the entire Strategic Planning Process. While I am pleased with the final product, it should be noted that the plan was adopted by the GMCVB in July 2004, nearly one year later than its contractual deadline, and after significant input and modification from the City of Miami Beach.

Stakeholder Survey

As part of the City's review of the GMCVB's performance, in addition to the evaluation of their performance, the Administration solicited input from a variety of sources. This input included, but was not limited to, distributing a questionnaire to the following organizations:

Miami Beach Hoteliers
Stu Blumberg, Chair, Greater Miami and Beaches Hotel Association
Grace Calvani, Latin Chamber of Commerce
Elsie Howard, Chair, Visitors and Convention Authority
David Kelsey, South Beach Hotel & Restaurant Association
Lillian Lopez, South Beach Hispanic Chamber
Michael Milberg/Bruce Singer, Miami Beach Chamber of Commerce
Steve Polisar, Chair, Nightlife Industry Task Force
Doug Tober, General Manager, SMG, Miami Beach Convention Center
Ada Llerandi, Chair, Cultural Arts Council

The questionnaire sought input as to the GMCVB's performance, strengths, weaknesses, effectiveness in promoting tourist services, key tourism industry needs, recommended future initiatives or enhancements and rating on member services.

Consistent themes in the survey included the GMCVB's ability to quickly respond to situations, leverage resources and partnerships and its increased representation of Miami Beach businesses. Areas for future focus include strengthening the small and boutique hotel program, increased marketing off-season, improving the image of destination, and

continuing to improve convention center bookings. While some respondents rated member services excellent, some expressed the desire for better outreach and a greater Miami Beach presence by the GMCVB.

Conclusion:

Based on the information above, it is my recommendation that the City Administration be directed to negotiate terms of a new agreement with the GMCVB. I would recommend the following parameters and seek your guidance and direction.

- Term:
- 5 years
 - Mandatory benchmarks
 - Performance measures
 - Renewal options
- Funding:
- Current level - \$5 million base
 - Current provision for CAC, MBCC
 - Current City allocation of \$1 million within the base
- Incentive:
- Hold in City Resort Tax Budget for Resort Tax related initiatives
- Watson Island Fund:
- Disposition to be determined

In addition, the committee may wish to provide direction on any other elements it may desire.

Since the contract expires on September 30, 2004 and there is no regularly scheduled City Commission meeting after September 8, 2004, it would be our goal to bring back negotiated contract terms to the October 13, 2004 City Commission meeting. It would be our intention to operate on a month to month basis until an agreement on a new contract is resolved if we are unable to meet the October meeting deadline.

JMG\CMC\rar

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE JOINT MEETING OF THE LAND USE AND
DEVELOPMENT COMMITTEE AND THE NEIGHBORHOOD/COMMUNITY
AFFAIRS COMMITTEE OF SEPTEMBER 13, 2004**

A joint meeting of the Land Use and Development Committee and the Neighborhood/Community Affairs Committee was held on Monday, September 13, 2004 at 4:15 p.m. in the City Manager's Large Conference Room. The following were in attendance: Vice-Mayor Richard L. Steinberg, Commissioners Saul Gross, Matti Herrera Bower, Jose Smith, and Luis R. Garcia, Jr.

JOINT LUDC/N/CAC DISCUSSION ITEM

1. **DISCUSSION REGARDING THE POSSIBLE APPLICATION OF A NATIONAL REGISTER OF HISTORIC PLACES DISTRICT IN NORTH BEACH.** Referred at the September 8, 2004 City Commission Meeting

Motion – (made by Vice-Mayor Steinberg, seconded by Commissioner Gross) Direct the Administration to proceed with the analysis and process of designating National Register Districts within the proposed boundaries. Vote – 4 in favor – 0 against.

LUDC DISCUSSION ITEM

2. **DISCUSSION REGARDING THE ZONING OF RELIGIOUS INSTITUTIONS IN THE RS-4 DISTRICT.** Referred at the July 28, 2004 City Commission Meeting.

The Committee heard a presentation from Mr. Perry Adair regarding a proposed change to the development regulations. The Committee requested that the Legal Department and the Administration provide further research and present the additional information at a future Land Use and Development Committee meeting.

JMG/CMC/JGG/rar

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Agenda Item C6B
Date 10-13-04

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT
COMMITTEE MEETING OF SEPTEMBER 14, 2004**

The General Obligation Bond Oversight Committee ("Committee") met on September 14, 2004. At the meeting, the Committee considered the following issues.

The Committee reviewed and accepted the minutes from the June 7, 2004 General Obligation Bond Oversight Committee meeting regarding a discussion on the Fire Station No. 4 project, and the minutes from the July 12, 2004 General Obligation Bond Oversight Committee meeting.

CHANGE ORDERS

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

PRESENTATION

The Administration provided the Committee with an update on the Request For Qualifications (RFQ) for a Baseline Evaluation of the Condition of the City's Facilities. The services would include the evaluation of all building services (i.e., electrical, plumbing, HVAC, elevators, etc.) as well as roofing, general structure, and other conditions. The Administration would then develop a Capital Plan over various periods of time with life cycle timeframes for the services and structures. As replacements are made, updates will be made to keep the information timely. It will help the Administration provide information regarding the cost to maintain the City's facilities, as well as the costs for deferred maintenance. The RFQ was issued, a selection committee evaluated the responses, and a recommendation was made to the City Commission on September 8, 2004 to negotiate with the top ranked firm, which was Post Buckley. The City Commission approved that recommendation and negotiations will begin shortly.

PROJECT STATUS REPORT

The Administration informed the Committee that the Contractor for the **Fire Station No. 2** project, Jasco, was backfilling the site where the old tank had been located. An unforeseen drainage condition was delaying the construction of the new station by approximately 120 days. Unforeseen conditions were included in the Guaranteed Maximum Price (GMP), so no additional costs would be incurred. After the new Fire Station No. 2 facility is complete, the renovation of the historic building will begin.

Agenda Item C6C
Date 10-13-04

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was to begin the week of August 23, 2004, but due to recent hurricane threats, it was delayed. Staging and construction activities will start shortly. The groundbreaking ceremony was also delayed and will be rescheduled. The fire station portion will begin construction after the completion of the seawall, which is estimated to take approximately 90 to 120 days.

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Architect of Record (A/E) had been asked to proceed with reconciling the work already in place at the Normandy Isle Pool project site that can remain, as opposed to what has to be re-built and what is still to be constructed, as a result of the default of Regosa Engineering, the contractor for the project. This report will allow a new contractor to come in to complete the project and assist the City in its claim with the surety. Until the discussions with the surety progress, no further construction on the pool portion of the project can take place. The Administration intends to have the park portion of the project under construction at the same time as the remainder of the pool portion, once a drainage issue between the two phases is worked out.

INFORMATIONAL ITEMS

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

The Administration informed the Committee that on September 15, 2004, the City Commission deferred a discussion until its next meeting on whether or not to authorize the issuance of a Request for Qualifications (RFQ) for Design, Bid/Award, and Construction Administration services on the **Biscayne Point Neighborhood Right-of-Way Infrastructure Improvement** project.

The Administration provided the Committee with a City Commission item that authorized the Administration to issue a Request for Qualifications (RFQ) for Design, Bid/Award, and Construction Administration services on the **North Shore Neighborhood Right-of-Way Infrastructure Improvement** project, as approved by the Commission on September 8, 2004.

The Administration provided the Committee with a City Commission item that amended the Architectural/Engineering Agreement with Arthur Hills and Associates on the **Normandy Shores Golf Course** project that the Commission approved on September 8, 2004.

The Administration provided the Committee with a City Commission item that **amended the Program Management Services Agreement with URS** that the Commission approved on September 8, 2004.

City Commission Memorandum

October 13, 2004

September 14, 2004 General Obligation Bond Oversight Committee meeting

Page 3 of 3

The Committee agreed to revise its regular meeting date to the first Tuesday of the month instead of the first Monday of the month for the remainder of the year.

Attachment


JMG/RCM/TH/KLM

T:\AGENDA\2004\Oct1304\Consent\9-14-04 GO Bond Meeting Summary Minutes.doc

Exhibit "A"

General Obligation Bond Oversight Committee
Change Order Report - September 2004

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|---------------|------|------------------|--------------------------|---------------------|-------------------------|-----------------------|---------------------------------|--------------------------------------|-----------|--|
| Espanola Way | 1 | 1/24/02 | \$761,526.70 | (\$1,085.00) | \$760,441.70 | \$141,558.30 | 20% | | | Value Engineering of curb and gutter to valley gutter |
| Espanola Way | 2 | 1/24/02 | \$760,441.70 | \$5,300.00 | \$765,741.70 | \$141,558.30 | 20% | | | Paid from funding outside contingency - additional sidewalk, curb and gutter |
| Espanola Way | 3 | 1/24/02 | \$765,741.70 | \$81,650.00 | \$847,391.70 | \$59,908.30 | 20% | | | Add revised sanitary sewer improvements (2 manholes, relief line, Ductile Iron Pipe Sleeves) (originally anticipated) |
| Espanola Way | 4 | 1/24/02 | \$847,391.70 | (\$27,845.00) | \$819,546.70 | \$87,753.30 | 20% | | | Value Engineering of base under sidewalk |
| Espanola Way | 5 | 1/24/02 | \$819,546.70 | \$8,568.00 | \$828,114.70 | \$79,185.30 | 20% | | | Revised drainage structures to comply with DERM regulations |
| Espanola Way | 6 | 6/14/02 | \$828,114.70 | \$900.00 | \$829,014.70 | \$78,285.30 | 42% | | 0 | Adjust Storm Drain due to conflict with FPL Duct Bank |
| Espanola Way | 7 | 6/14/02 | \$829,014.70 | \$14,988.00 | \$844,002.70 | \$63,297.30 | 42% | | 0 | Concrete work to reduce slopes of plaza to approx. 2% |
| Espanola Way | 8 | 6/14/02 | \$844,002.70 | \$13,000.00 | \$857,002.70 | \$50,297.30 | 42% | | +49 | Storm drain modifications to adjust plaza slopes to approx. 2% |
| Espanola Way | 9 | 10/21/02 | \$857,002.70 | \$799.00 | \$857,801.70 | \$50,297.30 | 65% | | 0 | Loading Zone at Barcelona Hotel, requested and funded by Property Owner |
| Espanola Way | 10 | 10/21/02 | \$857,801.70 | (\$1,708.90) | \$856,092.80 | \$52,006.20 | 65% | | 0 | Delete 8 Planters (Owner request) |
| Espanola Way | 11 | 10/21/02 | \$856,092.80 | \$5,190.00 | \$861,282.80 | \$52,006.20 | 65% | | 21 | Underground Phone and TV cables, requested and funded by property owner |
| Espanola Way | 12 | 10/21/02 | \$861,282.80 | (\$100.00) | \$861,182.80 | \$52,006.20 | 70% | | 0 | Credit for error on Change Order # 9 |
| Espanola Way | 13 | 10/21/02 | \$861,182.80 | \$1,180.00 | \$862,362.80 | \$50,826.20 | 70% | | 0 | Water line to Proposed fountain |
| Espanola Way | 14 | 11/12/02 | \$862,362.80 | \$720.00 | \$863,082.80 | \$50,106.20 | 85% | | 0 | Ramp at Tantra for Dumpster |
| Espanola Way | 15 | 11/12/02 | \$863,082.80 | \$512.00 | \$863,594.80 | \$49,594.20 | 85% | | 0 | Change Planter Layout (Owner Request) |
| Espanola Way | 16 | 11/12/02 | \$863,594.80 | \$2,000.00 | \$865,594.80 | \$47,594.20 | 85% | | 5 | Change inlet to Storm drains |
| Espanola Way | 17 | 12/6/02 | \$865,594.80 | \$500.00 | \$866,094.80 | \$47,094.20 | 90% | | 0 | Additional rain water leaders |
| Espanola Way | 18 | 12/6/02 | \$866,094.80 | (\$1,584.50) | \$864,510.30 | \$48,678.70 | 90% | \$ | 0 | Plant material change by Landscape Architect |
| Fisher Park | 1 | 8/10/99 | \$140,451.04 | \$6,874.12 | \$147,325.16 | \$7,201.39 | 27% | \$ | | New scope of work for new layout of tot lot & install new fencing |
| Flamingo Pool | 1 | 9/25/01 | \$2,399,800.00 | \$53,500.00 | \$2,453,300.00 | \$239,980.00 | | | | Re-route electrical feed |
| Flamingo Pool | 2 | 10/24/01 | \$2,453,300.00 | \$20,170.48 | \$2,473,470.48 | \$219,809.52 | 40% | | | relocate FPL underground line to accommodate new pool |
| Flamingo Pool | 3 | 10/24/01 | \$2,473,470.48 | \$62,800.00 | \$2,536,270.48 | \$157,009.52 | 40% | | | Add Alternate # 2 - Sunburst Fence (originally anticipated) |
| Flamingo Pool | 4 | 10/24/01 | \$2,536,270.48 | (\$8,680.00) | \$2,527,590.48 | \$165,689.52 | 40% | | | Delete 3 lifeguard chairs and substitute pool coating |
| Flamingo Pool | 5 | 2/19/02 | \$2,527,590.48 | (\$11,246.40) | \$2,516,344.08 | \$176,935.92 | 80% | | -10 | Credit for using existing portion of sanitary sewer lines |
| Flamingo Pool | 6 | 2/19/02 | \$2,516,344.08 | \$37,503.65 | \$2,553,847.73 | \$139,432.27 | 80% | | +15 | Revised storm system layout to include new drainage well. Installation of support haunches at large pool for structural stability. |
| Flamingo Pool | 7 | 4/2/02 | \$2,553,847.73 | \$54,000.00 | \$2,607,847.73 | \$85,432.27 | | | +10 | installation of Spray Deck, included as Add Alternate, requested by Parks (originally anticipated) |
| Flamingo Pool | 8 | 4/8/02 | \$2,607,847.73 | \$4,264.48 | \$2,612,112.21 | \$85,432.27 | | | 0 | installation of interior signage, taken from signage allowance (originally anticipated) |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

**General Obligation Bond Oversight Committee
Change Order Report - September 2004**

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|--------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Flamingo Pool | 9 | 4/30/02 | \$2,612,112.21 | \$17,874.42 | \$2,629,986.63 | \$67,557.85 | | \$ - | +24 | furnish/install anchors for swim lines, install 5 umbrella anchors, install electrical conduit/wires and panels for night lighting system |
| Group A & B Parks | | | | | | | | | | |
| Island View Park - Ph II | 1 | 1/9/02 | \$123,453.48 | (\$29,330.00) | \$94,123.48 | \$62,348.00 | 20% | | | Removal of Shade Pavilion from Scope of Services (at City's request) |
| All Parks | 2 | 1/28/02 | \$94,123.48 | \$30,060.00 | \$124,183.48 | \$28,268.18 | 30% | | | Removal of concrete slab at Island View tot lot, upgrade to galvanized steel fencing with electrostatic paint |
| All Parks | 3 | 3/1/02 | \$124,183.48 | \$8,703.66 | \$132,887.14 | \$19,564.52 | 75% | | | Addition of columns to fencing, relocation of column, addition of 43 linear feet of fencing to accommodate existing tree route systems |
| All Parks | 4 | 3/1/02 | \$132,887.14 | \$0.00 | \$132,887.14 | \$19,564.52 | 75% | | +45 | Time extension due to delay of construction start to accommodate ongoing programming at parks |
| Crespi Park | 5 | 5/15/02 | \$132,887.14 | \$6,136.00 | \$139,023.14 | \$13,428.52 | 90% | \$ - | 0 | Installation of specially fabricated sections of fencing to avoid conflict with tree root systems |
| Island View Park | 1 | 8/4/99 | \$192,053.48 | \$1,775.79 | \$193,829.27 | | | | | Replace underground pipe for electric service to 2 existing lights |
| Island View Park | 2 | 12/29/99 | \$193,829.27 | \$4,044.04 | \$197,873.31 | \$8,703.16 | 36% | \$ - | 0 | Removal of Basketball Court & restoration of area |
| Marseilles Drive | 1 | 5/19/03 | \$1,356,913.00 | \$18,613.00 | \$1,375,526.00 | \$117,078.00 | 35% | | 8 | Change elevation to drainage structures and pipes. |
| Marseilles Drive | 2 | 5/19/03 | \$1,375,526.00 | (\$756.00) | \$1,374,770.00 | \$117,834.00 | 35% | | 0 | Credit for use of a less expensive water pipe material. |
| Marseilles Drive | 3 | 5/19/03 | \$1,374,770.00 | \$3,957.00 | \$1,378,727.00 | \$113,877.00 | 35% | | 2 | Use of a different material and type for all curb and gutter inlet frames and grates. |
| Marseilles Drive | 4 | 7/24/03 | \$1,378,727.00 | \$18,240.00 | \$1,396,967.00 | \$95,637.00 | 40% | | 5 | Additional 2" layer of asphalt requested by the Public Works Dept. |
| Marseilles Drive | 5 | 7/24/03 | \$1,396,967.00 | (\$4,000.00) | \$1,392,967.00 | \$99,637.00 | 40% | | 0 | Credit for reduced drainage well depth. |
| Marseilles Drive | 6 | 7/24/03 | \$1,392,967.00 | \$5,056.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 2 | Resolution of a conflict with a water main pipe at Rue Versailles. |
| Marseilles Drive | 7 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 4 | Additional days for document discrepancies. |
| Marseilles Drive | 8 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 1 | Additional rain delay. |
| Marseilles Drive | 9 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 16 | Delay due to FDOT lane closure permit. |
| Marseilles Drive | 10 | 8/12/03 | \$1,398,023.00 | \$17,200.00 | \$1,415,223.00 | \$77,381.00 | 55% | | 6 | Re-routing of water main pipe at Normandy and Rue Notre Dame to avoid conflict with existing gas main and storm sewer pipe. |
| Marseilles Drive | 11 | 8/12/03 | \$1,415,223.00 | \$3,802.00 | \$1,419,025.00 | \$73,579.00 | 55% | | 2 | Replacement of existing sanitary sewer pipe at Bay Drive and Marseille. |
| Marseilles Drive | 12 | 8/12/03 | \$1,419,025.00 | \$6,080.00 | \$1,425,105.00 | \$67,499.00 | 55% | | 0 | Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Versailles. |
| Marseilles Drive | 13 | 8/12/03 | \$1,425,105.00 | \$6,080.00 | \$1,431,185.00 | \$61,419.00 | 55% | | 0 | Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Notre Dame. |
| Marseilles Drive | 14 | 8/12/03 | \$1,431,185.00 | \$2,622.00 | \$1,433,807.00 | \$58,797.00 | 55% | | 6 | Removal of 95 Ft. of existing curb and gutter and replacement with new valley gutter. Removal of existing grate and replacement at different location due to a change in design at an intersection. |

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**General Obligation Bond Oversight Committee
Change Order Report - September 2004**

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|-----------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Marseilles Drive | 15 | 8/12/03 | \$1,433,807.00 | \$1,437.00 | \$1,435,244.00 | \$57,360.00 | 55% | | 1 | Added traffic control loop at Rue Versailles and Normandy Drive. |
| Marseilles Drive | 16 | 8/12/03 | \$1,435,244.00 | \$5,060.00 | \$1,440,304.00 | \$52,300.00 | 55% | | 5 | Existing tree removal at Rue Notre dame due to line of sight. |
| Marseilles Drive | 17 | 8/12/03 | \$1,440,304.00 | \$4,613.00 | \$1,444,917.00 | \$47,687.00 | 55% | | 2 | Additional storm drainage structure. |
| Marseilles Drive | 18 | 12/19/03 | \$1,444,917.00 | \$1,320.00 | \$1,446,237.00 | \$46,367.00 | 85% | | 7 | Electrical Service for Irrigation Controller. |
| Marseilles Drive | 19 | 12/19/03 | \$1,446,237.00 | \$0.00 | \$1,446,237.00 | \$46,367.00 | 85% | | 0 | This Change Order was voided because the CMB declined to install additional street light at Cul-De-Sac. |
| Marseilles Drive | 20 | 12/19/03 | \$1,446,237.00 | (\$179.00) | \$1,446,058.00 | \$46,546.00 | 85% | | 0 | Credit for replacing 1#5 Re-Bar wit a # 3 Re-Bar. |
| Marseilles Drive | 21 | 12/19/03 | \$1,446,058.00 | \$11,539.75 | \$1,457,597.75 | \$35,006.25 | 85% | | 10 | Re-Construct Rue Versailles to conform revised elevations. |
| Marseilles Drive | 22 | 12/19/03 | \$1,457,597.75 | \$21,793.75 | \$1,479,391.50 | \$13,212.50 | 85% | | 38 | To install new drainage system along Marseilles Drive, Labor and equipment |
| Marseilles Drive | 23 | 12/19/03 | \$1,479,391.50 | \$3,474.00 | \$1,482,865.50 | \$9,738.50 | 85% | | 0 | To install new drainage system along Marseilles Drive, material. |
| Marseilles Drive | 24 | 12/19/03 | \$1,482,865.50 | (\$438.00) | \$1,482,427.50 | \$10,176.50 | 85% | | 0 | Credit to the CMB for 2-1/2" water meter of irrigation system. |
| Marseilles Drive | 25 | 12/19/03 | \$1,482,427.50 | \$1,716.00 | \$1,484,143.50 | \$8,460.50 | 85% | | 3 | Installation of irrigation main line from STA 7+00 to STA 8+10 |
| Marseilles Drive | 26 | 12/19/03 | \$1,484,143.50 | \$0.00 | \$1,484,143.50 | \$8,460.50 | 85% | | 2 | 16" water main tied in, Change Order for 2 additional days only. |
| Marseilles Drive | 27 | 1/7/04 | \$1,484,144.75 | (\$11,796.00) | \$1,472,348.40 | \$20,256.50 | 90% | | 0 | Deleted work at Cul-De-Sac of Rue Notre Dame. |
| Marseilles Drive | 28 | 1/7/04 | \$1,472,348.40 | (\$5,534.50) | \$1,466,813.90 | \$25,791.00 | 90% | | 3 | Deleted Landscape work at Rue Versailles & N. Drive. |
| Marseilles Drive | 29 | 1/7/04 | \$1,466,813.90 | (\$1,055.00) | \$1,465,758.90 | \$26,946.00 | 90% | | 0 | Deleted Landscape work at Rue Notre Dame & N. Drive. |
| Marseilles Drive | 30 | 1/7/04 | \$1,465,758.90 | \$400.00 | \$1,465,358.90 | \$26,446.00 | 90% | | 1 | Additional Sidewalk at East side of R. Notre Dame & N. Drive. |
| Marseilles Drive | 31 | 1/7/04 | \$1,465,358.90 | \$622.00 | \$1,466,820.90 | \$25,784.00 | 90% | | 0 | Additional Pictures for August, September & October. |
| Marseilles Drive | 32 | 1/7/04 | \$1,466,820.90 | \$495.00 | \$1,467,315.90 | \$25,289.00 | 90% | | 1 | To Replace Irrigation Backflow Preventer |
| Marseilles Drive | 33 | 1/7/04 | \$1,467,315.90 | \$0.00 | \$1,467,315.90 | \$25,289.00 | 90% | | 12 | Additional Time for Landscaping, Marking due to Water Meter |
| Marseilles Drive | 34 | 1/7/04 | \$1,467,315.90 | \$550.00 | \$1,467,865.90 | \$24,739.00 | 90% | | 2 | Repair Brick Pavers at East & West side of Rue Versailles & N. Drive. |
| Marseilles Drive | 35 | 1/7/04 | \$1,467,865.90 | \$0.00 | \$1,467,865.90 | \$24,739.00 | 90% | | 6 | Additional Time for the Last Lift of Asphalt along Marseilles. |
| Marseilles Drive | 36 | 1/7/04 | \$1,467,865.90 | \$3,057.00 | \$1,470,922.90 | \$21,682.00 | 95% | \$159,614.97 | 18 | Modification to Service Track plus installation of Electric Meter Can |
| Normandy Isle Park and Pool | 1 | 9/10/02 | \$2,264,000.00 | \$1,708.00 | \$2,265,708.00 | \$218,004.00 | 0.05% | | 0 | Reimbursement for payment for Removal of FPL facilities from Pool Building |
| Normandy Isle Park and Pool | 2 | 9/10/02 | \$2,265,708.00 | \$0.00 | \$2,265,708.00 | \$218,004.00 | 0.05% | | 84 | Time delay related to waiting for relocation of County and FDOT facilities |
| Normandy Isle Park and Pool | 3 | 3/10/03 | \$2,265,708.00 | \$1,078.00 | \$2,266,786.00 | \$216,926.00 | 0.05% | | 0 | Additional work to dig test pits |
| Normandy Isle Park and Pool | 4 | 12/10/02 | \$2,266,786.00 | \$179,000.00 | \$2,445,786.00 | \$37,926.00 | 1.00% | | 0 | To reinstate the piling foundation system and concrete deck previously removed during value engineering |
| Normandy Isle Park and Pool | 5 | 10/7/03 | \$2,445,786.00 | \$0.00 | \$2,445,786.00 | \$37,926.00 | 25% | | 102 | Approved additional 102 days due to negotiations related with the pool deck. |

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Change Order Report - September 2004**

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| Normandy Isle Park and Pool | 6 | 12/3/03 | \$2,445,786.00 | \$15,864.98 | \$2,461,650.98 | \$37,926.00 | 35% | | 15 | P&R Requested modifications and additions to contract. |
| Normandy Isle Park and Pool | 7 | 1/14/04 | \$2,461,650.98 | \$23,488.75 | \$2,485,139.73 | \$37,926.00 | 35% | | 0 | To install additional floor drains. Demolish & disposal existing playground, installing P.V.C. for irrigation, Changes along deck level. |
| Normandy Isle Park and Pool | 8 | 3/8/04 | \$2,485,139.73 | \$0.00 | \$2,485,139.73 | \$37,926.00 | | | 53 | Additional 53 days to Contract time due to expired pool permits plan re-processing. |
| Normandy Isle Park and Pool | 9 | 3/8/04 | \$2,485,139.73 | \$12,320.41 | \$2,497,460.14 | \$25,605.59 | 47% | | 0 | Installation of additional underground primary and secondary electrical conduits and wiring and relocation of FPL electrical transformer. |
| Normandy Isle Park and Pool | 10 | 4/8/04 | \$2,497,460.14 | \$12,270.34 | \$2,509,730.48 | \$13,335.25 | 47% | | 8 | Revisions to structural scope by addition of collector tank and extension of the pool pump room. |
| Normandy Isle Park and Pool | 11 | 4/22/04 | \$2,509,730.48 | (\$143,750.00) | \$2,365,980.48 | \$157,085.25 | 47% | \$1,214,304.14 | -10 | Removal of Scope of Work: perimeter fence, landscaping and irrigation on the park portion of the Project. |
| North Shore Open Space Park - Phase II | 1 | 10/15/02 | \$361,651.00 | \$300.00 | \$361,951.00 | \$40,265.00 | 25% | | 0 | Demolish and dispose two (2) existing vita course stations (not included in original scope) |
| North Shore Open Space Park - Phase II | 2 | 10/28/02 | \$361,951.00 | \$1,477.00 | \$363,428.00 | \$38,788.00 | 28% | | 0 | Installation of 2 4" sleeves at three locations under the newly installed 15' wide pathway |
| North Shore Open Space Park - Phase II | 3 | 11/14/02 | \$363,428.00 | \$2,842.71 | \$366,070.71 | \$36,145.29 | 30% | | 0 | re-grading of the areas of the old guard house and along the existing pathway in order to allow a smoother grade/transition |
| North Shore Open Space Park - Phase II | 4 | 11/14/02 | \$366,070.71 | \$199.03 | \$366,269.74 | \$35,946.26 | 30% | | 0 | Deletion of Asphalt Striping and addition of 1" of asphalt from 79th Street to 81st Street as a means of reinforcing surfacing for anticipated heavy traffic |
| North Shore Open Space Park - Phase II | 5 | 5/19/03 | \$366,269.74 | (\$6,770.40) | \$359,499.34 | \$42,716.66 | 100% | \$ | 0 | Credit for 7,440 square feet of defective asphalt. |
| North Shore Park and Youth Center | 1 | 4/11/02 | \$5,659,357.00 | \$6,000.00 | \$5,665,357.00 | \$307,168.00 | 3% | | | To hire a locator service to locate and identify underground utilities |
| North Shore Park and Youth Center | 2 | 4/29/02 | \$5,665,357.00 | \$4,480.00 | \$5,669,837.00 | \$302,688.00 | 5% | | | To dispose of sports lighting poles and selected foundations (Park Portion) |
| North Shore Park and Youth Center | 3 | 4/29/02 | \$5,669,837.00 | \$12,086.00 | \$5,681,923.00 | \$290,602.00 | 5% | | | To provide separate electrical meter services for the Tennis Center as requested by the Parks & Rec. Dept. (Park Portion) |
| North Shore Park and Youth Center | 4 | 8/5/02 | \$5,681,923.00 | \$89,776.00 | \$5,771,699.00 | \$290,602.00 | 11% | | 0 | To include value engineered items back in the project: different locker construction, alternate door construction and size, alternate wood gymnasium floors and construction of 2 additional tennis courts (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds. |
| North Shore Park and Youth Center | 5 | 8/5/02 | \$5,771,699.00 | \$321,526.00 | \$6,093,225.00 | \$290,602.00 | 11% | | 0 | To include sport lighting for the project (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds. |
| North Shore Park and Youth Center | 6 | 8/9/02 | \$6,093,225.00 | \$61,965.00 | \$6,155,190.00 | \$228,637.00 | 15% | | 0 | To provide 6 storm drain retention tanks to meet DEP requirements |
| North Shore Park and Youth Center | 7 | 8/21/02 | \$6,155,190.00 | \$21,076.00 | \$6,176,266.00 | \$207,561.00 | 18% | | 0 | To relocate the and upgrade the existing FPL Transformer |

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|-----------------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|--|
| North Shore Park and Youth Center | 8 | 10/24/02 | \$6,176,266.00 | \$10,939.00 | \$6,187,205.00 | \$196,622.00 | 30% | | 24 | Relocation of 5 pigeon plums as requested by DERM and additional exit lights within the Tennis Center as requested by The Building Department |
| North Shore Park and Youth Center | 9 | 11/13/02 | \$6,187,205.00 | \$38,872.00 | \$6,226,077.00 | \$196,622.00 | 38% | | 0 | Additional 2 clay tennis courts for total of 12 courts. Funding came from North Beach Quality of Life/Resort Tax Fund |
| North Shore Park and Youth Center | 10 | 1/8/03 | \$6,226,077.00 | \$1,403.00 | \$6,227,480.00 | \$195,219.00 | 50% | | 108 | Cost for stand alone fire alarm system for Tennis Center (\$7,830), credit for changes to main sewer line (- \$2,027.52), and raising top of footing elevation at Youth Center and Gymnasium (-\$4,400) |
| North Shore Park and Youth Center | 11 | 1/8/03 | \$6,227,480.00 | \$11,447.00 | \$6,238,927.00 | \$183,772.00 | 50% | | 0 | Additional exit signs for Tennis Center (\$1,857) and reconfiguration of storm drainage system (9,590) |
| North Shore Park and Youth Center | 12 | 1/8/03 | \$6,238,927.00 | \$28,548.00 | \$6,267,475.00 | \$155,224.00 | 50% | | 0 | Additional data services requested by owner, upgrade of window color, and location of a drain at practice tennis court |
| North Shore Park and Youth Center | 13 | 2/14/03 | \$6,267,475.00 | \$6,272.00 | \$6,273,747.00 | \$148,952.00 | 55% | | | Additional phone conduit & receptacle (owner request), concrete pad for FPL electric transformer, and structural change to support A/C ducts in Gym north wall |
| North Shore Park and Youth Center | 14 | 5/19/03 | \$6,273,747.00 | \$30,464.00 | \$6,304,215.00 | \$136,242.00 | 75% | | 0 | 1. Provision of gypsum drywall ceiling for Tennis Center restrooms-\$1,290; 2. Inclusion of Value Eng. Item 16R - \$17,754; 3. Exterior paint color sample -\$237; 4. Removal of trees \$1,881.25; 5. Additional 4" roof drain-\$1,616; 6. Tennis court irrigation line \$3,773; 7. Additional roof insulation- \$1,773.75; 8. Two(2) 2" PVC Duct Bank- \$2,138.60 |
| North Shore Park and Youth Center | 15 | 6/10/03 | \$6,304,215.00 | \$66,464.00 | \$6,370,679.00 | \$105,273.00 | 75% | | 20 | 1. Drop ceiling in Tennis Center- \$748; 2. Provision of access ladder to access the roof \$3,333; 3. Construction of 4 dugouts-\$57,502; 4. Installation of additional strobe lights- \$4,981. Additional 20 days was granted for construction of dugouts. |
| North Shore Park and Youth Center | 16 | 7/15/03 | \$6,370,679.00 | \$24,045.00 | \$6,394,724.00 | \$81,228.00 | 75% | | 31 | 1. Relocation of 2 light poles at the Tennis Center \$12,220 - 2. Addition of 6 area drains on the north side of the Tennis court area to introduce an underground drainage system. |
| North Shore Park and Youth Center | 17 | 7/15/03 | \$6,394,724.00 | \$7,750.00 | \$6,402,474.00 | \$73,478.00 | 75% | | 10 | 1. Sidewalk addition to provide access to the entry ramps south of the building - \$7,075; 2. Addition of sprinkler heads requested by Fire Inspector - \$1,753; 3. Credit for deletion of stucco at Youth Center West wall - (\$1,078). Contract time will be increased 10 days for Phase 3 and 31 days for Phase 2. |
| North Shore Park and Youth Center | 18 | 8/25/03 | \$6,402,474.00 | \$6,219.00 | \$6,408,693.00 | \$67,259.00 | 85% | | 0 | Four picket gates at North and South Entrances not shown on contract documents. |
| North Shore Park and Youth Center | 19 | 8/25/03 | \$6,408,693.00 | \$19,298.00 | \$6,427,991.00 | \$47,961.00 | 85% | | 0 | Install two rain water scuppers and additional roofing at West Entrance. Enclosure of ductwork a gymnasium. |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

**General Obligation Bond Oversight Committee
Change Order Report - September 2004**

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|-----------------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|--|
| North Shore Park and Youth Center | 20 | 4/23/04 | \$6,427,991.00 | \$17,541.00 | \$6,445,532.00 | \$30,420.00 | 95% | | 162 | Credit for Underground Utility Exploration from CO #1 (- \$5,760.00). Provide a 4" diam. Water meter (\$14,420.00). Additional Fire Alarm devices as required by Fire Inspection (\$3,413.00). Sign for South Entrance (\$991.00). Removal of trees from West baseball field (\$3,210.00). Additional 162 day time extension for Phase I only. Net Current Days are for Phase I: 320, Phase II: 61, and Phase III: 60. |
| North Shore Park and Youth Center | 21 | 4/23/04 | \$6,445,532.00 | \$21,065.00 | \$6,466,597.00 | \$9,355.00 | 95% | \$ 794,688.00 | 15 | Interior Paint at Stair 2 (\$1,393.87). Temporary Power Reimbursement to GC (\$4,286.39). Additional fire Sprinkler Valve for Elevator Shaft (\$1,013.73). Electrical Service SE Field Water Fountain (\$1,902.01). Street Cuts North Entrance (\$4,701.33). Water Fountain Backflow Valve (\$636.69). Landscape Credit (- \$1,841.00). Single Phase 220V for Elevator (\$1,597.72). Restroom Vanities Counter Supports (\$1,454.48). Water Fountain ADA Compliance (\$1,491.69). Job Site Security during FTAA as requested by City (\$4,428.00). |
| Scott Rakow Youth Center | 1 | 1/16/02 | \$2,845,700.00 | \$47,300.00 | \$2,893,000.00 | \$0.00 | 10% | | 0 | Alternates 1, 2 and 4 for Phasing plan, outdoor rubber flooring and landscaping |
| Scott Rakow Youth Center | 2 | N/A | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0% | | 0 | VOIDED |
| Scott Rakow Youth Center | 3 | 2/19/02 | \$2,893,000.00 | \$0.00 | \$2,893,000.00 | \$0.00 | 30% | | 89 | 89 day time extension |
| Scott Rakow Youth Center | 4 | 2/19/02 | \$2,893,000.00 | (\$36,008.00) | \$2,856,992.00 | \$0.00 | 50% | | 0 | Delete elevator and folding partitions |
| Scott Rakow Youth Center | 5 | 5/21/02 | \$2,856,992.00 | \$29,700.00 | \$2,886,692.00 | \$250,000.00 | 60% | | 0 | Relocate utilities, additional electrical service to ice rink, reroute Bell South underground service |
| Scott Rakow Youth Center | 6 | 9/24/02 | \$2,886,692.00 | \$36,008.00 | \$2,922,700.00 | \$213,992.00 | 70% | | 0 | Adding back in the elevator and folding partitions |
| Scott Rakow Youth Center | 7 | 9/24/02 | \$2,922,700.00 | \$160,594.77 | \$3,083,294.77 | \$53,397.23 | 70% | | 0 | Rerouting storm pipe, additional fire devices and fixtures, repairs to broken water main, mobilization for auger cast piles, paint locker room walls and ceilings, relocation of pedestrian crossing signal, repair of BellSouth lines, repair concrete beams, Zamboni water heater, Water Absorption Tank and monitoring system, rerouting conduit, HVAC unit roof frame, delete basketball court floor replacement work, new foundation for north stairs, modifications to roof and roof structure |
| Scott Rakow Youth Center | 8 | 11/8/02 | \$3,083,294.77 | \$9,306.25 | \$3,092,601.02 | \$4,166.00 * | 80% | | 0 | Installation of louvered door at mechanical room |

* Specific costs were paid out of project contingency to FPL, Bell South, PSI Geotechnical, Threshold Inspector. These costs were not paid through the contractor and therefore would not be a part of a change order to the Contractor.

**General Obligation Bond Oversight Committee
Change Order Report - September 2004**

| <u>Project</u> | <u>CO #</u> | <u>Date of Approval</u> | <u>Original Contract Amount</u> | <u>Change Order Amount</u> | <u>Revised Contract Amount</u> | <u>Remaining Contingency</u> | <u>% of Project Complete (approx.)</u> | <u>Contract Amount Remaining to be Paid</u> | <u># of Days</u> | <u>Purpose</u> |
|--------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|--|
| Scott Rakow Youth Center | 9 | 1/8/03 | \$3,092,601.02 | (\$21,016.08) | \$3,071,584.94 | \$25,182.08 | 85% | | 0 | Credit for security guard services and ammonia monitoring system. System will be monitored through Fire Alarm panel. |
| Scott Rakow Youth Center | 10 | 1/8/03 | \$3,071,584.94 | \$11,844.81 | \$3,083,429.75 | \$13,337.27 | 85% | | 0 | Electrical wiring modifications for existing pool and restrooms; furnish and install new light fixture at entrance; furnish and install new 480v/60amp electrical feeder for new water heater and pump at Zamboni room |
| Scott Rakow Youth Center | 11 | 2/25/03 | \$3,083,429.75 | \$2,950.11 | \$3,086,379.86 | \$110,387.16 | 85% | | 0 | Work required for fire alarm panel relocation, and addition of strobe and horn for ammonia leak detection device. \$100,000 was added to the project contingency. |
| Scott Rakow Youth Center | 12 | 4/4/03 | \$3,086,379.86 | \$10,406.70 | \$3,096,786.56 | \$99,980.46 | 85% | | 0 | Relocation of electrical equipment, installation of panic hardware at ice rink entrance doors, and automation of ice rink equipment room fan with ammonia detection panel. |
| Scott Rakow Youth Center | 13 | 6/30/03 | \$3,096,786.56 | \$39,860.58 | \$3,136,647.14 | \$60,119.88 | 90% | | 0 | Installation of new louver and ductwork to maintain fresh air intake at existing mechanical room, installation of new emergency exit lights, new 42" railing at entry ramp area, additional conduit and wiring to connect ice rink equipment room exhaust fan to fire alarm panel. |
| Scott Rakow Youth Center | 14 | 8/7/03 | \$3,136,647.14 | (\$4,500.00) | \$3,132,147.14 | \$84,619.88 | 90% | \$580,162.93 | 0 | Credit for deletion of 4-foot concrete sidewalk along Pine Tree Drive. |
| Tatum Park | 1 | 2/23/00 | \$341,518.36 | \$50,987.25 | \$392,505.61 | | | | | new basketball court (originally anticipated) |
| Tatum Park | 2 | 2/23/00 | \$392,505.61 | \$33,012.05 | \$425,517.66 | \$4,477.89 | 81% | | | sports and security lighting (originally anticipated) |
| Tatum Park | 3 | 11/1/01 | \$425,517.66 | (\$1,800.00) | \$423,717.66 | \$6,277.89 | 100% | \$ | - | Contractor's portion of Safety Surface Installation |

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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature of Jorge M. Gonzalez in black ink.

**Subject: REPORT OF THE JOINT FINANCE AND CITYWIDE PROJECTS COMMITTEE
AND GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE MEETING
OF SEPTEMBER 15, 2004.**

A joint meeting of the Finance and Citywide Projects Committee and the General Obligation Bond Oversight Committee was held on September 15, 2004 at 2:18 p.m. in the City Manager's Large Conference Room.

JOINT ITEM

1. Discussion regarding the City of Miami Beach and Miami Beach Redevelopment Agency Capital Budget for FY 2004/05 and Capital Improvement Plan for FY 2005-2009.

ACTION

The Committees moved the item to the full Commission, recommending adoption of the City of Miami Beach and Miami Beach Redevelopment Agency Fiscal Year 2004/05 Capital Budget and the 2005-2009 Capital Improvement Plan.

Chief Financial Officer Patricia D. Walker and Capital Improvement Projects Director Timothy D. Hemstreet gave a PowerPoint presentation outlining the proposed Fiscal Year (FY) 2004/05 Capital Budget and the FY 2004-2009 Capital Improvement Plan.

Ms. Walker summarized the process, project schedule and approach for developing the capital budget and capital improvement plan. Ms. Walker further explained the need to appropriate funds for commitments projected to be made in FY 2005.

Mr. Hemstreet gave a project status update of the City's Capital Improvement Program summarizing the following three key areas:

- Neighborhood Right-of Way Improvement Projects
- Parks and Facilities Projects
- Parking and Miscellaneous Projects

Mr. Hemstreet replied to questions from Committee members regarding specific projects.

Agenda Item C6D
Date 10-13-04

The Committees moved the item to the full Commission, recommending adoption of the City of Miami Beach and Miami Beach Redevelopment Agency Fiscal Year 2004/05 Capital Budget and the 2005-2009 Capital Improvement Plan.

FINANCE AND CITYWIDE PROJECTS COMMITTEE ITEMS

NEW BUSINESS

2. Discussion regarding the South Pointe Park Request for Qualifications (RFQ).

ACTION

The Committee instructed the Administration to proceed with an expedited RFQ process for the bidding of the planning and design of the South Pointe Park Project.

Assistant City Manager Christina M. Cuervo introduced and summarized the item. Ms. Cuervo stated that after the September 13, 2004 meeting with the developer, residents, and staff a consensus was reached in selecting Option Two pertaining to the South Pointe Park Project.

Ms. Cuervo added that by choosing this option, the preliminary design effort for South Pointe Park would be fully funded by the developer, at no cost to the City and within an expedited timeframe.

City Manager Jorge M. Gonzalez stated that the City could choose to do a Request for Letters of Interest (RFLI) in an effort to expedite the process of selecting a firm and taking advantage of the developer proposed incentive.

Chairperson Commissioner Jose Smith stated that if an RFLI were the route selected he would like to see the "cone of silence" in place.

Mr. Gonzalez added that after a design firm is selected, the selection would ultimately come before the City Commission for approval at which time the City would have no binding commitment to select and award a contract to this firm.

Commissioner Saul Gross stated that the big question for this project is how much the overall budget is going to be. Mr. Gonzalez replied that right now the budget is \$5 million, with an additional \$5 million requested through the November 2004 Countywide General Obligation (G.O.) Bond Referendum.

Chairperson Smith also stated that there are a number of issues which will still need to be addressed, particularly the level of commercial intensity anticipated by this project.

Commissioner Gross asked for an explanation of the difference between an RFLI and a RFQ. Procurement Director Gus Lopez and First Assistant City Attorney Raul Aguila clarified the differences between an RFLI and an RFQ.

Tom Daly from the Related Group, developer, addressed the Committee and stated that his firm's architect is prepared to develop design schematics and perform the necessary design workshops expeditiously and economically.

Mr. Frank Del Vecchio, South Pointe Resident, summarized the discussions and stated that there appear to be three key community issues at hand:

- RFLI process vs. RFQ process
- Residents in the South Pointe area want to be included in the process
- Funding issues

Mr. Del Vecchio proposed deferring the Beachwalk II project's FY 2004/05 Capital Budget line item for Architectural and Engineering (A/E) fees by one year and allocating these funds to the South Pointe Park project in order to augment the park's budget.

Chairperson Smith and Commissioner Bower expressed their disapproval with this proposal. Chairperson Smith stated that while he is in favor of improving South Pointe Park, this improvement should not come at the expense of another project. Commissioner Bower stated that there are citizens throughout the City waiting for specific projects to get underway, including the Beachwalk project, and it is not fair to defer funds for one project for the sake of another. Commissioner Bower added that the City should not short-change any project; the City should seek alternative funding sources in order to properly fund South Pointe Park.

Several residents from the South Pointe area spoke in favor of the proposed Option Two. Commissioner Luis R. Garcia, Jr. also spoke in favor of Option Two and further stated that this is a case where the City should listen to the public and allow the Related Group to proceed. Commissioner Garcia stated that Mr. Daly and the Related Group have demonstrated the ability to complete projects in a timely manner.

Commissioner Gross stated that funding for the project would be key in obtaining the most qualified Architectural and Design firms bidding for the project, and the City will have to come up with some sort of funding mechanism should the Countywide G.O. Bond Referendum fail.

Vice-Mayor Richard Steinberg stated that he agreed with Commissioner Gross, in order to obtain the most qualified firm to design South Pointe Park, the City should have a proposed funding plan in place.

The Committee instructed the Administration to proceed with an expedited RFQ process for the bidding of the planning and design of the South Pointe Park Project.

3. Discussion regarding the Walker Parking/Alternative Analysis & Feasibility Analysis.

ACTION

Item Deferred

4. Discussion regarding the Parking System Capital Plan and Funding Alternatives.

ACTION

Item Deferred

5. Discussion regarding the Forge Restaurant on-street parking.

ACTION

The Committee directed the Administration to research the possibility of using under-utilized on-street valet parking/loading spaces on the south side of the 400 block of 41st Street as public parking.

Vice-Mayor Richard Steinberg introduced and summarized the item. Vice-Mayor Steinberg stated that there currently appears to be an under-utilization of on-street valet parking/loading spaces on the south side of the 400 block of 41st Street, in front of the Forge Restaurant. Vice-Mayor Steinberg added that the City should explore the possibility of using said under-utilized spaces as public parking.

Parking Director Saul Frances explained that the parking bay fronting and immediately east of the Forge Restaurant is comprised of an area for commercial loading from 7:00 A.M. to 6:00 P.M. and valet parking passenger loading from 6:00 P.M. to 7:00 A.M. Mr. Frances added that the balance of the parking bay is used for valet passenger loading.

Vice-Mayor Steinberg stated that a prior City Commission granted the Forge Restaurant the right to these spaces as a result of the restaurant's contribution to cover half of the costs of public right-of-way improvements on the south side of the 400 block of 41st Street.

Mr. Frances added that in addition to the Forge Restaurant's cash donation to cover half of the costs of the public right-of-way improvements, and unlike the situation regarding ramping issues on Ocean Drive, the restaurant additionally pays a daily ramping fee for each space it controls.

Mr. Frances added that the Administration could speak to the Forge Restaurant's management in an effort to investigate the possibility of using under-utilized parking spaces.

The Committee directed the Administration to research the possibility of using under-utilized on-street valet parking/loading spaces on the south side of the 400 block of 41st Street as public parking.

6. Discussion regarding funding assistance for the Miami Beach Community Health Center initiatives which provide medical and nursing care to needy children at Miami Beach public schools.

ACTION

Item Deferred

7. Discussion regarding the implementation of a trust fund in order to help the family in financial distress of late co-worker Joseph Johnson.

ACTION

The Committee instructed the Administration to bring back to a future Finance and Citywide Projects Committee meeting a plan which states how the trust fund will be funded and establishes a set of criteria for the eligibility requirements in order for employees, or their families, to receive proceeds from the fund. The Committee

further instructed the Administration to work with Commissioner Garcia in the preparation of this plan.

Commissioner Luis R. Garcia, Jr. introduced and summarized the item. Commissioner Garcia stated that he would like to explore implementing a mechanism in which City employees could donate annual leave/sick time in order to fund a trust fund for employees who have suffered a catastrophic illness or death.

Human Resources and Risk Management Director Mayra D. Buttacavoli summarized the City's current Leave Ordinance and bargaining unit agreements and their respective accumulative limits of annual leave and sick time.

Ms. Buttacavoli further explained that the City's Leave Ordinance provides the current conditions under which employees may donate leave to other employees and the types of leave which may be donated. Ms. Buttacavoli stated that the Ordinance states that when a permanent full-time employee is affected by a non-job related illness that causes total depletion of their annual and sick time, other city employees may donate annual and/or sick time. Ms. Buttacavoli further stated that the Ordinance does not currently provide for any other type of donation of leave.

Chairperson Smith stated that the City currently provides a number of resources to assist employees and their families in times of such distress; i.e. health insurance, life insurance, disability insurance, supplemental insurance, and critical illness insurance.

Commissioner Garcia stated that with the creation of this trust fund, the City could provide an alternative resource to assist employees and their families during a catastrophic illness or death.

The Committee instructed the Administration to bring back to a future Finance and Citywide Projects Committee meeting a plan which states how the trust fund will be funded and establishes a set of criteria for the eligibility requirements in order for employees, or their families, to receive proceeds from the fund. The Committee further instructed the Administration to work with Commissioner Garcia in the preparation of this plan.

8. Status Report on the Alton Road and 5th Street Project (this item was added to the agenda at the meeting)

ACTION

No Action Necessary. Verbal Report Given.

City Manager Jorge M. Gonzalez introduced and summarized the item. Mr. Gonzalez stated that as previously discussed at the Finance and Citywide Projects Committee, a draft Term Sheet was distributed outlining the project and how the project will bring to the South Beach area a much needed supermarket and parking garage facility.

Mr. Gonzalez further stated that the term sheet also described how in exchange for the vacation of an alley the developer of the project would sell to the City approximately 534 parking spaces at a cost of roughly \$14,500. Mr. Gonzalez added that subsequent to City Commission approval, per the developer, estimates for the costs of constructing the parking facility have risen to approximately \$18,000 to \$20,000 per space.

Mr. Gonzalez added that initially the City estimated a contribution of approximately \$7.5 million for the project, but the number will probably be more like \$9 million to \$10 million.

Mr. Gonzalez added that the City is earmarking Federal Transit Authority (FTA) funds to assist with the project, but if FTA funds are not available or insufficient to cover the costs, the City would need to utilize other funding sources in order to participate in the joint venture project.

Vice-Mayor Steinberg stated that he has always been a staunch supporter and protector of the City's available parking funds. Vice-Mayor Steinberg stated that this project would be an adequate use of parking funds. Vice-Mayor Steinberg added that through this joint venture the City would be gaining a parking garage without any associated land costs.

Chairperson Smith stated that this increase in costs seems reasonable considering the rise of costs in the construction industry as a whole.

Vice-Mayor Steinberg added that it is also possible that the FTA may fund more dollars than originally anticipated and the City will have the potential to issue additional parking bonds if need be.

OLD BUSINESS

1. Discussion regarding space rentals for Valet Parking on Ocean Drive/ 5th to 15th Street.

ACTION

The Committee directed the Administration to meet with businesses from Ocean Drive after the construction period is completed and then come back to the Finance and Citywide Projects Committee with recommendations on how the City should address the issue of valet parking space rental fees on Ocean Drive between 5th and 15th.


Parking Director Saul Frances introduced and summarized the item. Mr. Frances stated that last year the Finance and Citywide Projects Committee (Committee) instructed the Administration to bring back the issue of parking space rental fees on Ocean Drive between 5th and 15th Streets during budget preparation time.

Vice-Mayor Steinberg stated that last year the Committee did not recommend space rental fees for valet parking on Ocean Drive between 5th and 15th Streets; however, the Committee stated that it would examine a fee structure this year.

Assistant City Manager Christina M. Cuervo stated that at issue here is whether or not Ocean Drive should be treated any differently than the rest of the City which is required to pay space rental fees for valet parking.

The Committee was informed that there is a capital project just getting underway on Ocean Drive, which will cause large stretches of parking on the west side of Ocean Drive to be inaccessible.

The Committee directed the Administration to meet with businesses from Ocean Drive after the construction period is completed and then come back to the Finance and Citywide Projects Committee with recommendations on how the City should address the issue of valet parking space rental fees on Ocean Drive between 5th and 15th.

JMG/PDW/mim 
T:\AGENDA\2004\October 13, 2004\CONSENT\Fin & CW 09-15-04

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: - September 15, 2004 TIME: - 2:00 P.M.

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE - THANK YOU

| PLEASE PRINT NAME | BUSINESS NAME & PHONE |
|--------------------------|-------------------------------------|
| Heri Krassner (Go. Bond) | 305-999-1310 |
| Jerry Blaw | Portofino Towers 305 604 8581 |
| Tom Daly | RELATED |
| Ken R Wy- | |
| Tim DEKIS | 345 OCEAN DRIVE #617 (305) 534-5574 |
| Ruth Remington | 1000 S. Pointe Dr. |
| Nane Valentin | 1000 S. Pointe Dr 305-538-0625 |
| Mayra D. Buttaavoli | CMB - Human Resources |
| Cathy Colonnese | Related 674 8310 |
| Sue Frances | CMB Parking 673-7000 x483 |
| FRANK DEL VECCHIO | 305 672 2486 |
| Dan Ricker | Watchdog Report |
| AC WEINSTEIN | EMPT 305 674-9946 |
| Richard Struberg | CMB 305-673-7103 |
| JOSE SMITH | CMB 305-673-7106 |
| Dolores Mejia | CMB X 6834 |
| Margarita Alex | CMB X 4437 |
| Natti Bowles | |

ATTENDANCE SHEET

MEETING OF THE FINANCE AND CITYWIDE PROJECTS COMMISSION COMMITTEE

DATE: - September 15, 2004 TIME: - 2:00 P.M.

PLEASE STATE YOUR NAME WHEN SPEAKING TO THE COMMITTEE - THANK YOU

| PLEASE PRINT NAME | BUSINESS NAME & PHONE |
|---------------------|----------------------------|
| KATHIE BROOKS | CMB - OBPI X 6249 |
| LORNA MYIA | CMB - Mayor & Comm. X 6607 |
| MANNY MARQUEZ | CMB - FIN X 6383 |
| PATRICIA WALKER | CMB - FIN X 6461 |
| CHRISTINA M. CUERVO | CMB - CMO |
| TIM HEMSTREET | CMB - CIP |
| JORGE CHARTRAND | CMB - CIP |
| RONNIE SINGER | CMB - CIP |
| KRISIN MCKEW | CMB - CIP |
| GUS LOPEZ | CMB - PROCUREMENT |
| RAUL AGUILA | CMB - LEGAL |
| SAUL GROSS | CMB - COMM. |
| JORGE M. GONZALEZ | CMB - CMO |
| LUIS R. GARCIA, JR. | CMB - COMM. |
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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission **Date:** October 13, 2004

From: Jorge M. Gonzalez
City Manager *Jorge*

Subject: **REPORT OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS
COMMITTEE MEETING HELD ON SEPTEMBER 29, 2004.**

A meeting of the Neighborhood / Community Affairs Committee was held on September 29, 2004 at 2:30 p.m. in the City Manager's Large Conference Room. Commissioners in attendance: Matti Herrera Bower, Richard L. Steinberg, and Jose Smith. City staff in attendance: Jorge M. Gonzalez, City Manager; Robert C. Middaugh, Assistant City Manager; Vivian P. Guzman, Director – Neighborhood Services; Fred Beckmann, Director – Public Works; Bob Halfhill, Assistant Director – Public Works; Kevin Smith, Director – Parks and Recreation; Julio Magrisso, Assistant Director – Parks and Recreation; Heidi Johnson-Wright, ADA Coordinator; Raul Gonzalez, Engineering Asst.; Dolores Mejia, Margarita Alcon, and Randi MacBride. Others in attendance are listed in the attached sign-in sheet.

OLD BUSINESS

1. DISCUSSION REGARDING CITY CODE CHAPTER 2, ARTICLE III "AGENCIES, BOARDS AND COMMITTEES," SECTION 2-22(5) THEREOF ESTABLISHING TERM LIMITS OF BOARD AND COMMITTEE MEMBERS, BY PROVIDING THAT SAID TERM LIMITS SHOULD NOT INCLUDE TIME SERVED AS A RESULT OF HAVING FILLED A VACANCY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ACTION: The item was deferred to a future Neighborhood/Community Affairs Committee meeting.

NEW BUSINESS

2. DISCUSSION REGARDING THE ORDINANCE REVISING THE REGULATION AND ADMINISTRATION OF NEWSPAPER RACKS.

ACTION: The Committee requested the Administration return with a report regarding color selection and intersection density.

Agenda Item CGE
Date 10-13-04

3. **DISCUSSION REGARDING AN ORDINANCE REVISING THE REGULATION AND ADMINISTRATION OF SIDEWALK CAFES.**

ACTION: The item was deferred to a future Neighborhood/Community Affairs Committee meeting.

4. **DISCUSSION REGARDING THE FORMATION OF A NORTH BEACH YOUTH CENTER ADVISORY BOARD.**

ACTION: The Committee recommended to the full City Commission the formation of a new North Shore Park and Youth Center Advisory Board consisting of seven direct appointments of the City Commission and modeled after the Scott Rakow Youth Center Advisory Board and to combine the new Board for a period of one year with the current membership of the North Beach Youth Center Ad Hoc Oversight Committee, which will sunset after the one year of joint operations with the new North Shore Park and Youth Center Advisory Board.

5. **DISCUSSION REGARDING LIFEGUARD STANDS.**

Commissioner Steinberg introduced the item explaining the idea suggested by Alan Randolph of the Miami Beach Chamber of Commerce to have a competition amongst architectural students from University of Miami and F.I.U. in conjunction with renowned architects to design lifeguard stands. These designs would be based on specifications provided by the City and be utilized when the City replaces old stands. There would be no advertising of either the Chamber of Commerce or the Architects.

ACTION: The Committee recommended this item be brought to the next meeting of the full Commission.

6. **DISCUSSION REGARDING AN ORDINANCE PROPOSING LIMITS ON LIVE-A-BOARDS AND HOUSEBOATS.**

ACTION: The item was deferred to a future Neighborhood/Community Affairs Committee meeting.

Attachments

JMG/RCM/VPS/rfm



CITY OF MIAMI BEACH
NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE
 SEPTEMBER 29, 2004

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

| NAME | ORGANIZATION / DEPT. | PHONE NO. | FAX / EMAIL |
|------------------|----------------------|----------------|----------------------------------|
| JOE FONTANA | YOUTHT. Comm. | 305-861-0054 | 305-861-0659 |
| Mark Johnson | Q15 Reals | 305 538 4785 | 305-538-4785 |
| Carlos Corbello | DIARIO LAS AMERICAS | (305) 633-3341 | Carabell & Sons LAS AMERICAS.COM |
| Bob Halberstam | MB RW | 305-673-7080 | |
| Fred Beckman | " " | " " | |
| Juio Magrizzo | Parks & Rec. | 6960 | |
| Dolores Mejia | CMB-M&C | 6834 | |
| Margarita Aleman | CMB | 6437 | |
| Hiram Torres | Robles | 6788-5839 | |
| Margynde Lipodi | MBACC | 305 867-0051 | |



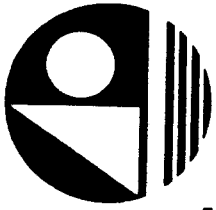
**CITY OF MIAMI BEACH
NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE**

SEPTEMBER 29, 2004

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| NAME | ORGANIZATION / DEPT. | PHONE NO. | FAX /EMAIL |
|------------------|----------------------|--------------|------------|
| Michael Thompson | City of Miami Beach | 305 251-1111 | |
| Bob Haddough | | | |
| Kevin Smith | Parks & Rec | 7730 | |
| Paul Gonzalez | PW | 7080 | |
| AC WEINSTEIN | SUNOBT | 305 638 9700 | 929 |
| Alan G. Randolph | Mellon | 604-6099 | |
| Richard Drining | CMB | 7103 | |
| Jesse Smith | CMB | 7106 | |
| Matthew Spencer | CMB | | |



CITY OF MIAMI BEACH
NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE

SEPTEMBER 29, 2004

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| NAME | ORGANIZATION / DEPT. | PHONE NO. | FAX / EMAIL |
|----------------|----------------------|-----------------|-----------------------------|
| DEBORAH KUGLER | NSVCOE | 305 268-0635 | Teen Jobs O'Dad.com (as) |
| Ted Berman | NSPCOC | 305 265-2810 | teddyb@bellekayth.net |
| George Gromley | MT City Hg | | |
| Dana McBride | NSIC SVC / CM13 | | |
| Vivian Gutman | NSIC SVC. | | |
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CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

**Subject: REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT
COMMITTEE MEETING OF OCTOBER 5, 2004**

The General Obligation Bond Oversight Committee ("Committee") met on October 5, 2004. At the meeting, the Committee considered the following issues.

The Committee reviewed and accepted the minutes from the September 14, 2004 General Obligation Bond Oversight Committee meeting.

CHANGE ORDERS

The Administration informed the Committee that no new change orders had been approved since the last meeting. However, some change orders which had been previously approved, but not previously reported, were now reflected on the report. A list of the change orders approved to date is attached as "Exhibit A".

DISCUSSION

The Committee discussed if the November 2, 2004 Committee meeting should be rescheduled due to it being Election Day. The Committee voted to maintain its meeting date of November 2, 2004.

PROJECT STATUS REPORT

The Administration informed the Committee that the Contractor for the **Fire Station No. 2** project, Jasco, is continuing to resolve the unforeseen drainage condition on the project site. Once that is resolved, work on the new fire station can begin. After the new Fire Station No. 2 facility is complete, the renovation of the historic building will begin.

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was underway. The fire station portion will begin construction after the completion of the seawall, which is estimated to take approximately 90 to 120 days.

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Architect of Record (A/E) had provided the City with a report reconciling the work already in place at the Normandy Isle Pool project site that can remain, as opposed to what has to be re-built and what is still to be constructed, as a result of the default of Regosa Engineering, the contractor for the project. This report will allow a new contractor to come in to complete the project and assist the City in its claim with the surety.

Agenda Item CGF
Date 10-13-04

The A/E firm will now work on revising the drawings to reflect the current status of the project; however, until the discussions with the surety progress, no further construction on the pool portion of the project can take place. The Administration intends to have the park portion of the project under construction at the same time as the remainder of the pool portion, once a drainage issue between the two phases is worked out.

INFORMATIONAL ITEMS

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Attachment 

JMG/RCM/TH/KLM

T:\AGENDA\2004\Oct1304\Consent\10-05-04 GO Bond Meeting Summary Minutes.doc

**General Obligation Bond Oversight Committee
Change Order Report - October 2004**

EXHIBIT "A"

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|----------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Espanola Way | 1 | 1/24/02 | \$761,526.70 | (\$1,085.00) | \$760,441.70 | \$141,558.30 | 20% | | | Value Engineering of curb and gutter to valley gutter |
| Espanola Way | 2 | 1/24/02 | \$760,441.70 | \$5,300.00 | \$765,741.70 | \$136,258.30 | 20% | | | Paid from funding outside contingency - additional sidewalk, curb and gutter |
| Espanola Way | 3 | 1/24/02 | \$765,741.70 | \$81,650.00 | \$847,391.70 | \$54,608.30 | 20% | | | Add revised sanitary sewer improvements (2 manholes, relief line, Ductile Iron Pipe Sleeves) (originally anticipated) |
| Espanola Way | 4 | 1/24/02 | \$847,391.70 | (\$27,845.00) | \$819,546.70 | \$82,453.30 | 20% | | | Value Engineering of base under sidewalk |
| Espanola Way | 5 | 1/24/02 | \$819,546.70 | \$8,568.00 | \$828,114.70 | \$73,885.30 | 20% | | | Revised drainage structures to comply with DERM regulations |
| Espanola Way | 6 | 6/14/02 | \$828,114.70 | \$900.00 | \$829,014.70 | \$72,985.30 | 42% | | 0 | Adjust Storm Drain due to conflict with FPL Duct Bank |
| Espanola Way | 7 | 6/14/02 | \$829,014.70 | \$14,988.00 | \$844,002.70 | \$57,997.30 | 42% | | 0 | Concrete work to reduce slopes of plaza to approx. 2% |
| Espanola Way | 8 | 6/14/02 | \$844,002.70 | \$13,000.00 | \$857,002.70 | \$44,997.30 | 42% | | +49 | Storm drain modifications to adjust plaza slopes to approx. 2% |
| Espanola Way | 9 | 10/21/02 | \$857,002.70 | \$799.00 | \$857,801.70 | \$44,198.30 | 65% | | 0 | Loading Zone at Barcelona Hotel, requested and funded by Property Owner |
| Espanola Way | 10 | 10/21/02 | \$857,801.70 | (\$1,708.90) | \$856,092.80 | \$45,907.20 | 65% | | 0 | Delete 8 Planters (Owner request) |
| Espanola Way | 11 | 10/21/02 | \$856,092.80 | \$5,190.00 | \$861,282.80 | \$40,717.20 | 65% | | 21 | Underground Phone and TV cables, requested and funded by property owner |
| Espanola Way | 12 | 10/21/02 | \$861,282.80 | (\$100.00) | \$861,182.80 | \$40,817.20 | 70% | | 0 | Credit for error on Change Order # 9 |
| Espanola Way | 13 | 10/21/02 | \$861,182.80 | \$1,180.00 | \$862,362.80 | \$39,637.20 | 70% | | 0 | Water line to Proposed fountain |
| Espanola Way | 14 | 11/12/02 | \$862,362.80 | \$720.00 | \$863,082.80 | \$38,917.20 | 85% | | 0 | Ramp at Tantra for Dumpster |
| Espanola Way | 15 | 11/12/02 | \$863,082.80 | \$512.00 | \$863,594.80 | \$38,405.20 | 85% | | 0 | Change Planter Layout (Owner Request) |
| Espanola Way | 16 | 11/12/02 | \$863,594.80 | \$2,000.00 | \$865,594.80 | \$36,405.20 | 85% | | 5 | Change inlet to Storm drains |
| Espanola Way | 17 | 12/6/02 | \$865,594.80 | \$500.00 | \$866,094.80 | \$35,905.20 | 90% | | 0 | Additional rain water leaders |
| Espanola Way | 18 | 12/6/02 | \$866,094.80 | (\$1,584.50) | \$864,510.30 | \$37,489.70 | 90% | | 0 | Plant material change by Landscape Architect |
| Espanola Way | 19 | 01/21/03 | \$861,282.80 | \$5,760.97 | \$867,043.77 | \$31,728.73 | 99% | | | 12"x12"Header at edge of pavers |
| Espanola Way | 20 | 01/21/03 | \$867,043.77 | \$2,690.00 | \$869,733.77 | \$29,038.73 | 99% | | | Install Photocell control for lights |
| Espanola Way | 21 | 01/28/03 | \$869,733.77 | \$17,253.85 | \$886,987.62 | \$11,784.88 | 100% | \$ | | Install additional sprinkler heads |
| Espanola Way | | | \$886,987.62 | (\$5,190.00) | \$881,797.62 | \$16,974.88 | | | | Contribution from Property Owners for Change Order # 11. |
| Espanola Way | | | \$881,797.62 | \$16,589.00 | \$898,386.62 | \$385.88 | | | | Additional services to A/E firm for Additional Construction Administration (time and scope: \$8,447) and DERM Fee Reimbursement (\$8,142) |
| Fisher Park | 1 | 8/10/99 | \$140,451.04 | \$6,874.12 | \$147,325.16 | \$7,201.39 | 27% | \$ | | New scope of work for new layout of tot lot & install new fencing |
| Flamingo Pool | 1 | 9/25/01 | \$2,399,800.00 | \$53,500.00 | \$2,453,300.00 | \$239,980.00 | | | | Re-route electrical feed |
| Flamingo Pool | 2 | 10/24/01 | \$2,453,300.00 | \$20,170.48 | \$2,473,470.48 | \$219,809.52 | 40% | | | relocate FPL underground line to accommodate new pool |
| Flamingo Pool | 3 | 10/24/01 | \$2,473,470.48 | \$62,800.00 | \$2,536,270.48 | \$157,009.52 | 40% | | | Add Alternate # 2 - Sunburst Fence (originally anticipated) |
| Flamingo Pool | 4 | 10/24/01 | \$2,536,270.48 | (\$8,680.00) | \$2,527,590.48 | \$165,689.52 | 40% | | | Delete 3 lifeguard chairs and substitute pool coating |
| Flamingo Pool | 5 | 2/19/02 | \$2,527,590.48 | (\$11,246.40) | \$2,516,344.08 | \$176,935.92 | 80% | | -10 | Credit for using existing portion of sanitary sewer lines |

**General Obligation Bond Oversight Committee
Change Order Report - October 2004**

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|--------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Flamingo Pool | 6 | 2/19/02 | \$2,516,344.08 | \$37,503.65 | \$2,553,847.73 | \$139,432.27 | 80% | | +15 | Revised storm system layout to include new drainage well. Installation of support haunches at large pool for structural stability. |
| Flamingo Pool | 7 | 4/2/02 | \$2,553,847.73 | \$54,000.00 | \$2,607,847.73 | \$85,432.27 | | | +10 | Installation of Spray Deck, included as Add Alternate, requested by Parks (originally anticipated) |
| Flamingo Pool | 8 | 4/8/02 | \$2,607,847.73 | \$4,264.48 | \$2,612,112.21 | \$85,432.27 | | | 0 | Installation of interior signage, taken from signage allowance (originally anticipated) |
| Flamingo Pool | 9 | 4/30/02 | \$2,612,112.21 | \$17,874.42 | \$2,629,986.63 | \$67,557.85 | | \$ | +24 | furnish/install anchors for swim lines, install 5 umbrella anchors, install electrical conduit/wires and panels for night lighting system |
| Group A & B Parks | | | | | | | | | | |
| Island View Park - Ph II | 1 | 1/9/02 | \$123,453.48 | (\$29,330.00) | \$94,123.48 | \$62,348.00 | 20% | | | Removal of Shade Pavilion from Scope of Services (at City's request) |
| All Parks | 2 | 1/28/02 | \$94,123.48 | \$30,060.00 | \$124,183.48 | \$28,268.18 | 30% | | | Removal of concrete slab at Island View tot lot, upgrade to galvanized steel fencing with electrostatic paint |
| All Parks | 3 | 3/1/02 | \$124,183.48 | \$8,703.66 | \$132,887.14 | \$19,564.52 | 75% | | | Addition of columns to fencing, relocation of column, addition of 43 linear feet of fencing to accommodate existing tree route systems |
| All Parks | 4 | 3/1/02 | \$132,887.14 | \$0.00 | \$132,887.14 | \$19,564.52 | 75% | | +45 | Time extension due to delay of construction start to accommodate ongoing programming at parks |
| Crespi Park | 5 | 5/15/02 | \$132,887.14 | \$6,136.00 | \$139,023.14 | \$13,428.52 | 90% | \$ | 0 | Installation of specially fabricated sections of fencing to avoid conflict with tree root systems |
| Island View Park | 1 | 8/4/99 | \$192,053.48 | \$1,775.79 | \$193,829.27 | | | | | Replace underground pipe for electric service to 2 existing lights |
| Island View Park | 2 | 12/29/99 | \$193,829.27 | \$4,044.04 | \$197,873.31 | \$8,703.16 | 36% | \$ | 0 | Removal of Basketball Court & restoration of area |
| Marseilles Drive | 1 | 5/19/03 | \$1,356,913.00 | \$18,613.00 | \$1,375,526.00 | \$117,078.00 | 35% | | 8 | Change elevation to drainage structures and pipes. |
| Marseilles Drive | 2 | 5/19/03 | \$1,375,526.00 | (\$756.00) | \$1,374,770.00 | \$117,834.00 | 35% | | 0 | Credit for use of a less expensive water pipe material. |
| Marseilles Drive | 3 | 5/19/03 | \$1,374,770.00 | \$3,957.00 | \$1,378,727.00 | \$113,877.00 | 35% | | 2 | Use of a different material and type for all curb and gutter inlet frames and grates. |
| Marseilles Drive | 4 | 7/24/03 | \$1,378,727.00 | \$18,240.00 | \$1,396,967.00 | \$95,637.00 | 40% | | 5 | Additional 2" layer of asphalt requested by the Public Works Dept. |
| Marseilles Drive | 5 | 7/24/03 | \$1,396,967.00 | (\$4,000.00) | \$1,392,967.00 | \$99,637.00 | 40% | | 0 | Credit for reduced drainage well depth. |
| Marseilles Drive | 6 | 7/24/03 | \$1,392,967.00 | \$5,056.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 2 | Resolution of a conflict with a water main pipe at Rue Versailles. |
| Marseilles Drive | 7 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 4 | Additional days for document discrepancies. |
| Marseilles Drive | 8 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 1 | Additional rain delay. |
| Marseilles Drive | 9 | 7/24/03 | \$1,398,023.00 | \$0.00 | \$1,398,023.00 | \$94,581.00 | 40% | | 16 | Delay due to FDOT lane closure permit. |
| Marseilles Drive | 10 | 8/12/03 | \$1,398,023.00 | \$17,200.00 | \$1,415,223.00 | \$77,381.00 | 55% | | 6 | Re-routing of water main pipe at Normandy and Rue Notre Dame to avoid conflict with existing gas main and storm sewer pipe. |
| Marseilles Drive | 11 | 8/12/03 | \$1,415,223.00 | \$3,802.00 | \$1,419,025.00 | \$73,579.00 | 55% | | 2 | Replacement of existing sanitary sewer pipe at Bay Drive and Marseille. |
| Marseilles Drive | 12 | 8/12/03 | \$1,419,025.00 | \$6,080.00 | \$1,425,105.00 | \$67,499.00 | 55% | | 0 | Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Versailles. |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

General Obligation Bond Oversight Committee
Change Order Report - October 2004

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|-----------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Marseilles Drive | 13 | 8/12/03 | \$1,425,105.00 | \$6,080.00 | \$1,431,185.00 | \$61,419.00 | 55% | | 0 | Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Notre Dame. |
| Marseilles Drive | 14 | 8/12/03 | \$1,431,185.00 | \$2,622.00 | \$1,433,807.00 | \$58,797.00 | 55% | | 6 | Removal of 95 Ft. of existing curb and gutter and replacement with new valley gutter. Removal of existing grate and replacement at different location due to a change in design at an intersection. |
| Marseilles Drive | 15 | 8/12/03 | \$1,433,807.00 | \$1,437.00 | \$1,435,244.00 | \$57,360.00 | 55% | | 1 | Added traffic control loop at Rue Versailles and Normandy Drive. |
| Marseilles Drive | 16 | 8/12/03 | \$1,435,244.00 | \$5,060.00 | \$1,440,304.00 | \$52,300.00 | 55% | | 5 | Existing tree removal at Rue Notre dame due to line of sight. |
| Marseilles Drive | 17 | 8/12/03 | \$1,440,304.00 | \$4,613.00 | \$1,444,917.00 | \$47,687.00 | 55% | | 2 | Additional storm drainage structure. |
| Marseilles Drive | 18 | 12/19/03 | \$1,444,917.00 | \$1,320.00 | \$1,446,237.00 | \$46,367.00 | 85% | | 7 | Electrical Service for Irrigation Controller. |
| Marseilles Drive | 19 | 12/19/03 | \$1,446,237.00 | \$0.00 | \$1,446,237.00 | \$46,367.00 | 85% | | 0 | This Change Order was voided because the CMB declined to install additional street light at Cul-De-Sac. |
| Marseilles Drive | 20 | 12/19/03 | \$1,446,237.00 | (\$179.00) | \$1,446,058.00 | \$46,546.00 | 85% | | 0 | Credit for replacing 1#5 Re-Bar wit a # 3 Re-Bar. |
| Marseilles Drive | 21 | 12/19/03 | \$1,446,058.00 | \$11,539.75 | \$1,457,597.75 | \$35,006.25 | 85% | | 10 | Re-Construct Rue Versailles to conform revised elevations. |
| Marseilles Drive | 22 | 12/19/03 | \$1,457,597.75 | \$21,793.75 | \$1,479,391.50 | \$13,212.50 | 85% | | 38 | To install new drainage system along Marseille Drive, Labor and equipment |
| Marseilles Drive | 23 | 12/19/03 | \$1,479,391.50 | \$3,474.00 | \$1,482,865.50 | \$9,738.50 | 85% | | 0 | To install new drainage system along Marseille Drive, material. |
| Marseilles Drive | 24 | 12/19/03 | \$1,482,865.50 | (\$438.00) | \$1,482,427.50 | \$10,176.50 | 85% | | 0 | Credit to the CMB for 2-1/2" water meter of Irrigation system. |
| Marseilles Drive | 25 | 12/19/03 | \$1,482,427.50 | \$1,716.00 | \$1,484,143.50 | \$8,460.50 | 85% | | 3 | Installation of irrigation main line from STA 7+00 to STA 8+10 |
| Marseilles Drive | 26 | 12/19/03 | \$1,484,143.50 | \$0.00 | \$1,484,143.50 | \$8,460.50 | 85% | | 2 | 16" water main tied in, Change Order for 2 additional days only. |
| Marseilles Drive | 27 | 1/7/04 | \$1,484,144.75 | (\$11,796.00) | \$1,472,348.40 | \$20,256.50 | 90% | | 0 | Deleted work at Cul-De-Sac of Rue Notre Dame. |
| Marseilles Drive | 28 | 1/7/04 | \$1,472,348.40 | (\$5,534.50) | \$1,466,813.90 | \$25,791.00 | 90% | | 3 | Deleted Landscape work at Rue Versailles & N. Drive. |
| Marseilles Drive | 29 | 1/7/04 | \$1,466,813.90 | (\$1,055.00) | \$1,465,758.90 | \$26,846.00 | 90% | | 0 | Deleted Landscape work at Rue Notre Dame & N. Drive. |
| Marseilles Drive | 30 | 1/7/04 | \$1,465,758.90 | \$400.00 | \$1,465,358.90 | \$26,446.00 | 90% | | 1 | Additional Sidewalk at East side of R. Notre Dame & N. Drive. |
| Marseilles Drive | 31 | 1/7/04 | \$1,465,358.90 | \$622.00 | \$1,466,820.90 | \$25,784.00 | 90% | | 0 | Additional Pictures for August, September & October. |
| Marseilles Drive | 32 | 1/7/04 | \$1,466,820.90 | \$495.00 | \$1,467,315.90 | \$25,289.00 | 90% | | 1 | To Replace Irrigation Backflow Preventer |
| Marseilles Drive | 33 | 1/7/04 | \$1,467,315.90 | \$0.00 | \$1,467,315.90 | \$25,289.00 | 90% | | 12 | Additional Time for Landscaping, Marking due to Water Meter |
| Marseilles Drive | 34 | 1/7/04 | \$1,467,315.90 | \$550.00 | \$1,467,865.90 | \$24,739.00 | 90% | | 2 | Repair Brick Pavers at East & West side of Rue Versailles & N. Drive. |
| Marseilles Drive | 35 | 1/7/04 | \$1,467,865.90 | \$0.00 | \$1,467,865.90 | \$24,739.00 | 90% | | 6 | Additional Time for the Last Lift of Asphalt along Marseille. |
| Marseilles Drive | 36 | 1/7/04 | \$1,467,865.90 | \$3,057.00 | \$1,470,922.90 | \$21,682.00 | 95% | \$159,614.97 | 18 | Modification to Service Track plus installation of Electric Meter Can |
| Normandy Isle Park and Pool | 1 | 9/10/02 | \$2,264,000.00 | \$1,708.00 | \$2,265,708.00 | \$218,004.00 | 0.05% | | 0 | Reimbursement for payment for Removal of FPL facilities from Pool Building |
| Normandy Isle Park and Pool | 2 | 9/10/02 | \$2,265,708.00 | \$0.00 | \$2,265,708.00 | \$218,004.00 | 0.05% | | 84 | Time delay related to waiting for relocation of County and FDOT facilities |
| Normandy Isle Park and Pool | 3 | 3/10/03 | \$2,265,708.00 | \$1,078.00 | \$2,266,786.00 | \$216,926.00 | 0.05% | | 0 | Additional work to dig test pits |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

**General Obligation Bond Oversight Committee
Change Order Report - October 2004**

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|--|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| Normandy Isle Park and Pool | 4 | 12/10/02 | \$2,266,786.00 | \$179,000.00 | \$2,445,786.00 | \$37,926.00 | 1.00% | | 0 | To reinstate the piling foundation system and concrete deck previously removed during value engineering |
| Normandy Isle Park and Pool | 5 | 10/7/03 | \$2,445,786.00 | \$0.00 | \$2,445,786.00 | \$37,926.00 | 25% | | 102 | Approved additional 102 days due to negotiations related with the pool deck. |
| Normandy Isle Park and Pool | 6 | 12/3/03 | \$2,445,786.00 | \$15,864.98 | \$2,461,650.98 | \$37,926.00 | 35% | | 15 | P&R Requested modifications and additions to contract. |
| Normandy Isle Park and Pool | 7 | 1/14/04 | \$2,461,650.98 | \$23,488.75 | \$2,485,139.73 | \$37,926.00 | 35% | | 0 | To install additional floor drains, Demolish & disposal existing Playground, installing P.V.C. for irrigation, Changes along deck level. |
| Normandy Isle Park and Pool | 8 | 3/8/04 | \$2,485,139.73 | \$0.00 | \$2,485,139.73 | \$37,926.00 | | | 53 | Additional 53 days to Contract time due to expired pool permits plan re-processing. |
| Normandy Isle Park and Pool | 9 | 3/8/04 | \$2,485,139.73 | \$12,320.41 | \$2,497,460.14 | \$25,605.59 | 47% | | 0 | Installation of additional underground primary and secondary electrical conduits and wiring and relocation of FPL electrical transformer. |
| Normandy Isle Park and Pool | 10 | 4/8/04 | \$2,497,460.14 | \$12,270.34 | \$2,509,730.48 | \$13,335.25 | 47% | | 8 | Revisions to structural scope by addition of collector tank and extension of the pool pump room. |
| Normandy Isle Park and Pool | 11 | 4/22/04 | \$2,509,730.48 | (\$143,750.00) | \$2,365,980.48 | \$157,085.25 | 47% | \$1,214,304.14 | -10 | Removal of Scope of Work: perimeter fence, landscaping and irrigation on the park portion of the Project. |
| North Shore Open Space Park - Phase II | 1 | 10/15/02 | \$361,651.00 | \$300.00 | \$361,951.00 | \$40,265.00 | 25% | | 0 | Demolish and dispose two (2) existing vita course stations (not included in original scope) |
| North Shore Open Space Park - Phase II | 2 | 10/28/02 | \$361,951.00 | \$1,477.00 | \$363,428.00 | \$38,788.00 | 28% | | 0 | Installation of 2 4" sleeves at three locations under the newly installed 15' wide pathway |
| North Shore Open Space Park - Phase II | 3 | 11/14/02 | \$363,428.00 | \$2,642.71 | \$366,070.71 | \$36,145.29 | 30% | | 0 | re-grading of the areas of the old guard house and along the existing pathway in order to allow a smoother grade/transition |
| North Shore Open Space Park - Phase II | 4 | 11/14/02 | \$366,070.71 | \$199.03 | \$366,269.74 | \$35,946.26 | 30% | | 0 | Deletion of Asphalt Striping and addition of 1" of asphalt from 79th Street to 81st Street as a means of reinforcing surfacing for anticipated heavy traffic |
| North Shore Open Space Park - Phase II | 5 | 5/19/03 | \$366,269.74 | (\$6,770.40) | \$359,499.34 | \$42,716.66 | 100% | \$ | 0 | Credit for 7,440 square feet of defective asphalt. |
| North Shore Park and Youth Center | 1 | 4/11/02 | \$5,659,357.00 | \$6,000.00 | \$5,665,357.00 | \$307,168.00 | 3% | | | To hire a locator service to locate and identify underground utilities |
| North Shore Park and Youth Center | 2 | 4/29/02 | \$5,665,357.00 | \$4,480.00 | \$5,669,837.00 | \$302,688.00 | 5% | | | To dispose of sports lighting poles and selected foundations (Park Portion) |
| North Shore Park and Youth Center | 3 | 4/29/02 | \$5,669,837.00 | \$12,086.00 | \$5,681,923.00 | \$290,602.00 | 5% | | | To provide separate electrical meter services for the Tennis Center as requested by the Parks & Rec. Dept. (Park Portion) |
| North Shore Park and Youth Center | 4 | 8/5/02 | \$5,681,923.00 | \$89,776.00 | \$5,771,699.00 | \$290,602.00 | 11% | | 0 | To include value engineered items back in the project: different locker construction, alternate door construction and size, alternate wood gymnasium floors and construction of 2 additional tennis courts (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds. |

General Obligation Bond Oversight Committee
Change Order Report - October 2004

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|-----------------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|---|
| North Shore Park and Youth Center | 5 | 8/5/02 | \$5,771,699.00 | \$321,526.00 | \$6,093,225.00 | \$290,602.00 | 11% | | 0 | To include sport lighting for the project (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds. |
| North Shore Park and Youth Center | 6 | 8/9/02 | \$6,093,225.00 | \$61,965.00 | \$6,155,190.00 | \$228,637.00 | 15% | | 0 | To provide 6 storm drain retention tanks to meet DEP requirements. |
| North Shore Park and Youth Center | 7 | 8/21/02 | \$6,155,190.00 | \$21,076.00 | \$6,176,266.00 | \$207,561.00 | 18% | | 0 | To relocate the and upgrade the existing FPL Transformer |
| North Shore Park and Youth Center | 8 | 10/24/02 | \$6,176,266.00 | \$10,939.00 | \$6,187,205.00 | \$196,622.00 | 30% | | 24 | Relocation of 5 pigeon plums as requested by DERM and additional exit lights within the Tennis Center as requested by The Building Department |
| North Shore Park and Youth Center | 9 | 11/13/02 | \$6,187,205.00 | \$38,872.00 | \$6,226,077.00 | \$196,622.00 | 38% | | 0 | Additional 2 clay tennis courts for total of 12 courts. Funding came from North Beach Quality of Life/Resort Tax Fund |
| North Shore Park and Youth Center | 10 | 1/8/03 | \$6,226,077.00 | \$1,403.00 | \$6,227,480.00 | \$195,219.00 | 50% | | 108 | Cost for stand alone fire alarm system for Tennis Center (\$7,830), credit for changes to main sewer line (-\$2,027.52), and raising top of footing elevation at Youth Center and Gymnasium (-\$4,400) |
| North Shore Park and Youth Center | 11 | 1/8/03 | \$6,227,480.00 | \$11,447.00 | \$6,238,927.00 | \$183,772.00 | 50% | | 0 | Additional exit signs for Tennis Center (\$1,857) and reconfiguration of storm drainage system (9,590) |
| North Shore Park and Youth Center | 12 | 1/8/03 | \$6,238,927.00 | \$28,548.00 | \$6,267,475.00 | \$155,224.00 | 50% | | 0 | Additional data services requested by owner, upgrade of window color, and location of a drain at practice tennis court |
| North Shore Park and Youth Center | 13 | 2/14/03 | \$6,267,475.00 | \$6,272.00 | \$6,273,747.00 | \$148,952.00 | 55% | | | Additional phone conduit & receptacle (owner request), concrete pad for FPL electric transformer, and structural change to support A/C ducts in Gym north wall |
| North Shore Park and Youth Center | 14 | 5/19/03 | \$6,273,747.00 | \$30,464.00 | \$6,304,215.00 | \$136,242.00 | 75% | | 0 | 1. Provision of gypsum drywall ceiling for Tennis Center restrooms-\$1,290; 2. Inclusion of Value Eng. Item 16R - \$17,754; 3. Exterior paint color sample -\$237; 4. Removal of trees \$1,881.25; 5. Additional 4" roof drain-\$1,616; 6. Tennis court irrigation line \$3,773; 7. Additional roof insulation-\$1,773.75; 8. Two(2) 2" PVC Duct Bank- \$2,138.60 |
| North Shore Park and Youth Center | 15 | 6/10/03 | \$6,304,215.00 | \$66,464.00 | \$6,370,679.00 | \$105,273.00 | 75% | | 20 | 1. Drop ceiling in Tennis Center- \$748; 2. Provision of access ladder to access the roof \$3,333; 3. Construction of 4 dugouts-\$57,502; 4. Installation of additional strobe lights-\$4,881. Additional 20 days was granted for construction of dugouts. |
| North Shore Park and Youth Center | 16 | 7/15/03 | \$6,370,679.00 | \$24,045.00 | \$6,394,724.00 | \$81,228.00 | 75% | | 31 | 1. Relocation of 2 light poles at the Tennis Center \$12,220 - 2. Addition of 6 area drains on the north side of the Tennis court area to introduce an underground drainage system. |
| North Shore Park and Youth Center | 17 | 7/15/03 | \$6,394,724.00 | \$7,750.00 | \$6,402,474.00 | \$73,478.00 | 75% | | 10 | 1. Sidewalk addition to provide access to the entry ramps south of the building - \$7,075; 2. Addition of sprinkler heads requested by Fire Inspector - \$1,753; 3. Credit for deletion of stucco at Youth Center West wall - (\$1,078). Contract time will be increased 10 days for Phase 3 and 31 days for Phase 2. |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

General Obligation Bond Oversight Committee
Change Order Report - October 2004

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|-----------------------------------|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|--|
| North Shore Park and Youth Center | 18 | 8/25/03 | \$6,402,474.00 | \$6,219.00 | \$6,408,693.00 | \$67,259.00 | 85% | | 0 | Four picket gates at North and South Entrances not shown on contract documents. |
| North Shore Park and Youth Center | 19 | 8/25/03 | \$6,408,693.00 | \$19,298.00 | \$6,427,991.00 | \$47,961.00 | 85% | | 0 | Install two rain water scuppers and additional roofing at West Entrance. Enclosure of ductwork a gymnasium. |
| North Shore Park and Youth Center | 20 | 4/23/04 | \$6,427,991.00 | \$17,541.00 | \$6,445,532.00 | \$30,420.00 | 95% | | 162 | Credit for Underground Utility Exploration from CO #1 (- \$5,760.00), Provide a 4" diam. Water meter (\$14,420.00), Additional Fire Alarm devices as required by Fire Inspection (\$3,413.00), Sign for South Entrance (\$991.00), Removal of trees from West baseball field (\$3,210.00). Additional 162 day time extension for Phase I only. Net Current Days are for Phase I: 320, Phase II: 61, and Phase III: 60. |
| North Shore Park and Youth Center | 21 | 4/23/04 | \$6,445,532.00 | \$21,065.00 | \$6,466,597.00 | \$9,355.00 | 95% | \$ 794,688.00 | 15 | Interior Paint at Stair 2 (\$1,393.87), Temporary Power Reimbursement to GC (\$4,286.39), Additional fire Sprinkler Valve for Elevator Shaft (\$1,013.73), Electrical Service SE Field Water Fountain (\$1,902.01), Street Cuts North Entrance (\$4,701.33), Water Fountain Backflow Valve (\$636.69), Landscape Credit (- \$1,841.00), Single Phase 220V for Elevator (\$1,597.72), Restroom Vanities Counter Supports (\$1,454.48), Water Fountain ADA Compliance (\$1,491.69). Job Site Security during FTAA as requested by City (\$4,428.00). |
| North Shore Park and Youth Center | 22 | 7/21/04 | \$6,466,597.00 | \$127,087.00 | \$6,593,684.00 | \$2,268.00 | 98% | \$ 329,684.20 | 0 | Items required due to Building Department inspections required for Final CO and Owner's Punch List: Electrical (\$1,785), Irrigation breaker (\$363), Baseball Field Maintenance Gates (\$1,274), Elevator Room's Electrical and Fire Protection changes (\$29,927), Supervision fees (\$27,360), Performance Bond (\$18,230), Changes to West Plaza (\$14,046), Bracing at Shower Stalls (\$4,176), Additional Roof Scuppers and dampers (\$5,062), Wood thresholds (\$2,347), HVAC Mold Test (\$1,300), Glass railing at Teen's Room (\$9,922), Shuffle Board Permit Processing fee (\$1,598), Various items at Gym, including metal shields, wood nosing, paint, additional fire alarm devices (\$9,697). |
| Scott Rakow Youth Center | 1 | 1/16/02 | \$2,845,700.00 | \$47,300.00 | \$2,893,000.00 | \$0.00 | 10% | | 0 | Alternates 1, 2 and 4 for Phasing plan, outdoor rubber flooring and landscaping |
| Scott Rakow Youth Center | 2 | N/A | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0% | | 0 | VOIDED |
| Scott Rakow Youth Center | 3 | 2/19/02 | \$2,893,000.00 | \$0.00 | \$2,893,000.00 | \$0.00 | 30% | | 89 | 89 day time extension |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

General Obligation Bond Oversight Committee
Change Order Report - October 2004

| Project | CO # | Date of Approval | Original Contract Amount | Change Order Amount | Revised Contract Amount | Remaining Contingency | % of Project Complete (approx.) | Contract Amount Remaining to be Paid | # of Days | Purpose |
|--|-------------|-------------------------|---------------------------------|----------------------------|--------------------------------|------------------------------|--|---|------------------|--|
| Scott Rakow Youth Center | 4 | 2/19/02 | \$2,893,000.00 | (\$36,008.00) | \$2,856,992.00 | \$0.00 | 50% | | 0 | Delete elevator and folding partitions |
| Scott Rakow Youth Center | 5 | 5/21/02 | \$2,856,992.00 | \$29,700.00 | \$2,886,692.00 | \$250,000.00 | 60% | | 0 | Relocate utilities, additional electrical service to ice rink, reroute Bell South underground service |
| Scott Rakow Youth Center | 6 | 9/24/02 | \$2,886,692.00 | \$36,008.00 | \$2,922,700.00 | \$213,992.00 | 70% | | 0 | Adding back in the elevator and folding partitions |
| Scott Rakow Youth Center | 7 | 9/24/02 | \$2,922,700.00 | \$160,594.77 | \$3,083,294.77 | \$53,397.23 | 70% | | 0 | Rerouting storm pipe, additional fire devices and fixtures, repairs to broken water main, remobilization for auger cast piles, paint locker room walls and ceilings, relocation of pedestrian crossing signal, repair of BellSouth lines, repair concrete beams, Zamboni water heater, Water Absorption Tank and monitoring system, rerouting conduit, HVAC unit roof frame, delete basketball court floor replacement work, new foundation for north stairs, modifications to roof and roof structure |
| Scott Rakow Youth Center | 8 | 11/8/02 | \$3,083,294.77 | \$9,306.25 | \$3,092,601.02 | \$4,166.00 * | 80% | | 0 | Installation of louvered door at mechanical room |
| * Specific costs were paid out of project contingency to FPL, Bell South, PSI Geotechnical, Threshold Inspector. These costs were not paid through the contractor and therefore would not be a part of a change order to the Contractor. | | | | | | | | | | |
| Scott Rakow Youth Center | 9 | 1/8/03 | \$3,092,601.02 | (\$21,016.08) | \$3,071,584.94 | \$25,182.08 | 85% | | 0 | Credit for security guard services and ammonia monitoring system. System will be monitored through Fire Alarm panel. |
| Scott Rakow Youth Center | 10 | 1/8/03 | \$3,071,584.94 | \$11,844.81 | \$3,083,429.75 | \$13,337.27 | 85% | | 0 | Electrical wiring modifications for existing pool and restrooms; furnish and install new light fixture at entrance; furnish and install new 480v/60amp electrical feeder for new water heater and pump at Zamboni room |
| Scott Rakow Youth Center | 11 | 2/25/03 | \$3,083,429.75 | \$2,950.11 | \$3,086,379.86 | \$110,387.16 | 85% | | 0 | Work required for fire alarm panel relocation, and addition of strobe and horn for ammonia leak detection device. \$100,000 was added to the project contingency. |
| Scott Rakow Youth Center | 12 | 4/4/03 | \$3,086,379.86 | \$10,406.70 | \$3,096,786.56 | \$99,980.46 | 85% | | 0 | Relocation of electrical equipment, installation of panic hardware at ice rink entrance doors, and automation of ice rink equipment room fan with ammonia detection panel. |
| Scott Rakow Youth Center | 13 | 6/30/03 | \$3,096,786.56 | \$39,860.58 | \$3,136,647.14 | \$60,119.88 | 90% | | 0 | Installation of new louver and ductwork to maintain fresh air intake at existing mechanical room, installation of new emergency exit lights, new 42" railing at entry ramp area, additional conduit and wiring to connect ice rink equipment room exhaust fan to fire alarm panel. |
| Scott Rakow Youth Center | 14 | 8/7/03 | \$3,136,647.14 | (\$4,500.00) | \$3,132,147.14 | \$64,619.88 | 90% | \$580,162.93 | 0 | Credit for deletion of 4-foot concrete sidewalk along Pine Tree Drive. |
| Tatum Park | 1 | 2/23/00 | \$341,518.36 | \$50,987.25 | \$392,505.61 | | | | | new basketball court (originally anticipated) |
| Tatum Park | 2 | 2/23/00 | \$392,505.61 | \$33,012.05 | \$425,517.66 | \$4,477.89 | 81% | | | sports and security lighting (originally anticipated) |
| Tatum Park | 3 | 11/1/01 | \$425,517.66 | (\$1,800.00) | \$423,717.66 | \$6,277.89 | 100% | \$ | - | Contractor's portion of Safety Surface Installation |

Bolded items reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution accepting and appropriating the private donation of \$75,000 from the family of Maurice Gibb for the re-naming, design and construction of Maurice Gibb Memorial Park in the park formerly known as Island View Park, as supported by Miami Beach voters in the November 2003 referendum.

Issue:

Shall the City of Miami Beach accept the donation of \$75,000 from the Gibb family to construct a newly designed sign re-naming Island View Park as Maurice Gibb Memorial Park and adjacent memorial plaza?

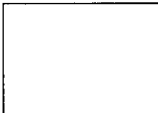
Item Summary/Recommendation:

With the death of Bee Gee music legend Maurice Gibb, the City of Miami Beach was approached by the Gibb family to create a lasting memorial which they volunteered to pay for in total. Island View Park was identified as the desired location for such a tribute because of Maurice's frequent visits from his nearby recording studio. As is prescribed by Code for re-naming, this issue was placed on the November 2003 Miami Beach ballot. The electorate approved this initiative, and the City has worked with the family to design, price and permit these park enhancements so that construction may commence. The Gibb family has provided the City with a check in the amount of \$75,000 as private donation to cover all costs associated with the implementation of this project.

Advisory Board Recommendation:

N/A

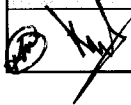
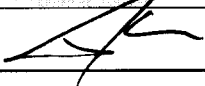
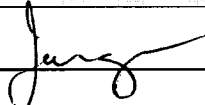
Financial Information:

| Source of Funds:  Finance Dept. | | Amount | Account | Approved |
|--|--------------|----------|------------------------------|----------|
| | 1 | \$75,000 | Gibb Family Private Donation | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | \$75,000 | | |

City Clerk's Office Legislative Tracking:

Ronnie Singer -Ext.6354

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---|---|---|
|  |  |  |

AGENDA ITEM C7A
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: OCTOBER 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH , FLORIDA, TO ACCEPT AND APPROPRIATE THE PRIVATE DONATION OF \$75,000 FROM THE FAMILY OF MAURICE GIBB FOR THE RE-NAMING, DESIGN AND CONSTRUCTION OF MAURICE GIBB MEMORIAL PARK IN THE PARK NOW KNOWN AS ISLAND VIEW PARK, AS SUPPORTED BY THE MIAMI BEACH VOTERS IN THE NOVEMBER 2003 CITYWIDE ELECTION.

ADMINISTRATION RECOMMENDATION:

ADOPT THE RESOLUTION.

FUNDING

Funding in the total amount of \$75,000 is available for this project through the private contribution of the Maurice Gibb family.

ANALYSIS

The death of Bee Gee music legend Maurice Gibb, was the catalyst for the family to seek a venue in which to create a lasting memorial for both his family and friends. The Gibb family have lived and worked on Miami Beach for over 25 years and accordingly sought a suitable location for placement of this tribute, in the City of Miami Beach. Island View Park was identified as the desired location for such a tribute because of Maurice's frequent visits from his nearby recording studio. Re-naming of the Park to Maurice Gibb Memorial Park was proposed and recommended by the Community Affairs Committee in accordance with selection criteria set forth in the Miami Beach City Code, Chapter 82. A public hearing was held on July 2, 2003 to obtain citizen input, and after a 5/7th vote, the issue was approved by the City Commission.

As the proposed park name change required the support of a majority of the electorate in a referendum, this item was placed on the November 2003 ballot so that the electorate could approve the re-naming as a tribute to Maurice Gibb. The ballot issue was passed and the Administration began to work with the family to develop a suitable design concept, and construction documents for the sign and memorial. Those plans are now fully approved, and the Gibb family has sent a check to the City in the amount of \$75,000 to privately fund the construction which includes a memorial plaza and a new park sign which is located in the southeast quadrant of the park and will replace the existing one. (See Attachments 1, 2, and 2A- sample of plaza flooring detail)

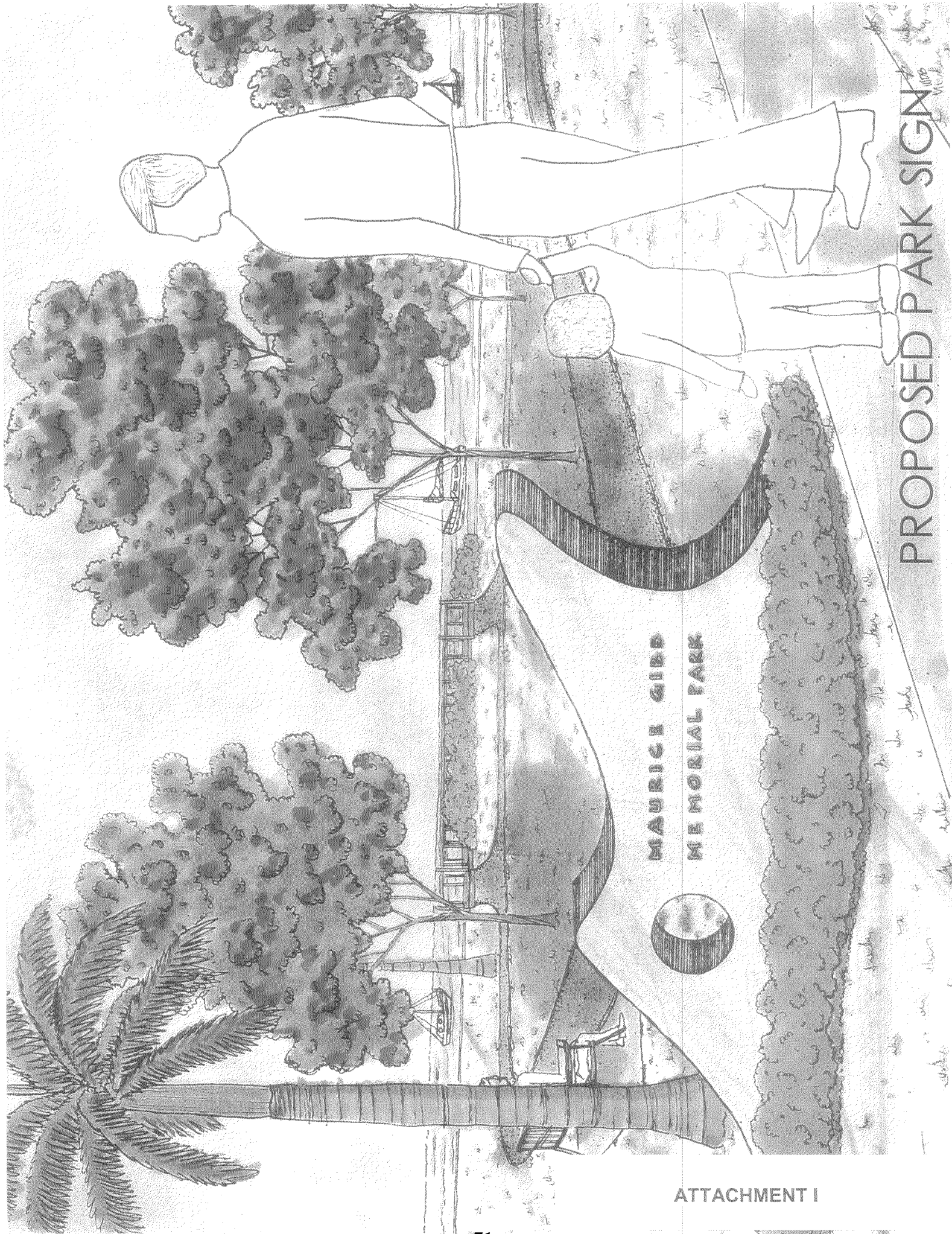
The City's cost estimate includes the following:

| | | |
|------------------------|--|--------------|
| Construction costs | | \$ 63,085.57 |
| Gordian Fee (JOC) 1.5% | | 946.28 |
| Contingency 12% | | 7,683.22 |
| CIP Fee 4.8% | | 3,073.53 |
| Total Fees | | \$74,788.60 |

CONCLUSION:

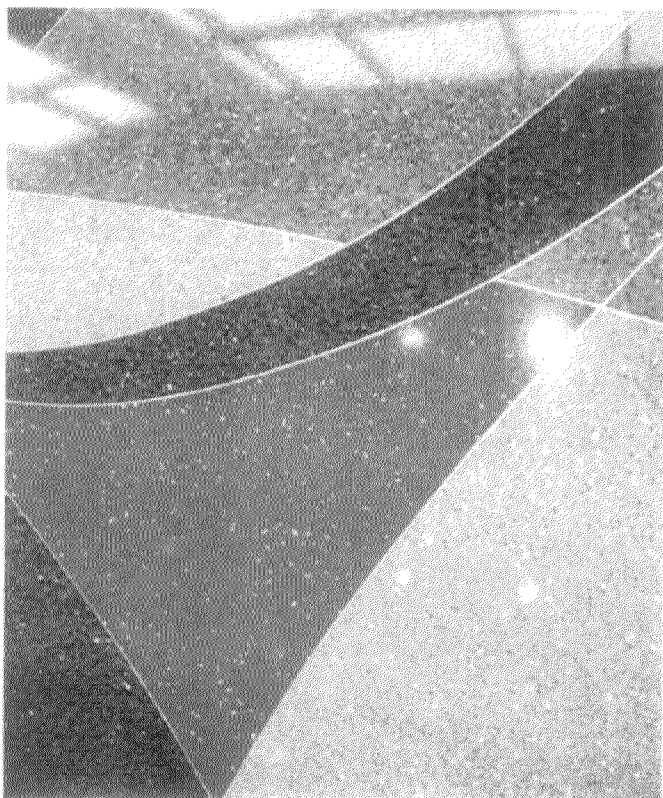
The Gibb family has worked with City staff to develop a new sign design and adjacent landscaped memorial plaza for which they are absorbing all costs. The Administration recommends the acceptance of the \$75,000 private donation and appropriation for the construction of the voter approved Maurice Gibb Memorial Park.

JMG/TH/RS



PROPOSED PARK SIGN

ATTACHMENT I



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING A DONATION OF \$75,000 FROM THE FAMILY OF MAURICE GIBB FOR THE PUBLIC PARK IMPROVEMENTS RELATED TO THE RE-NAMING, DESIGN AND CONSTRUCTION OF MAURICE GIBB MEMORIAL PARK, THE PARK FORMERLY KNOWN AS ISLAND VIEW PARK; AND FOR THE APPROPRIATION OF SAID FUNDING, IN THE TOTAL AMOUNT OF \$75,000, AS FOLLOWS; \$63,085.57 FOR CONSTRUCTION COSTS; \$946.28 FOR GORDIAN FEE (JOC); \$7,531.25 FOR CONTINGENCY; AND \$3,436.90 FOR CIP FEE, AS SUPPORTED BY THE MIAMI BEACH VOTERS IN THE NOVEMBER 2003 REFERENDUM.

WHEREAS, the death of Bee Gee music legend Maurice Gibb was the catalyst for the family to seek a venue in which to create a lasting memorial for both his family and friends; and

WHEREAS, Island View Park was identified as the desired location for such a tribute because of Maurice Gibb's frequent visits from his nearby recording studio; and

WHEREAS, the re-naming of the Park to Maurice Gibb Memorial Park was proposed and recommended by the Community Affairs Committee in accordance with criteria set forth in the Miami Beach City Code, Chapter 82; and

WHEREAS, a public hearing was held on July 2, 2003 to obtain citizen input, and the issue was approved by the City Commission; and

WHEREAS, the proposed park name change required the support of a majority of the electorate in a referendum; and

WHEREAS, this item was placed on the November 2003 ballot so that the electorate could consider the re-naming as a tribute to Maurice Gibb; and

WHEREAS, the ballot issue was passed and the Administration began to work with the family to develop a suitable design concept, and construction documents for the park signage and memorial; and

WHEREAS, those plans are now fully approved; and

WHEREAS, the Gibb family has worked with City staff to develop a new signage design and adjacent landscaped memorial plaza for which they would absorb all costs; and

WHEREAS, the Gibb family has provided a donation to the City, in the amount of \$75,000, to fund the construction, which includes a memorial plaza and a new park sign to be located in the southeast quadrant of the park, which will replace the existing one; and

WHEREAS, the City Administration recommends that the Mayor and City Commission authorize the appropriation of the \$75,000 donation for the Project.

NOW THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the acceptance of a \$75,000 donation from the Gibb family for the Maurice Gibb Memorial Park; and further appropriating said funding, in the total amount of \$75,000, as follows; \$63,085.57 for Construction costs; \$946.28 for Gordian Fee (JOC); \$7,531.25 for Contingency; and \$3,436.90 for CIP Fee.

PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:

CITY CLERK

MAYOR

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

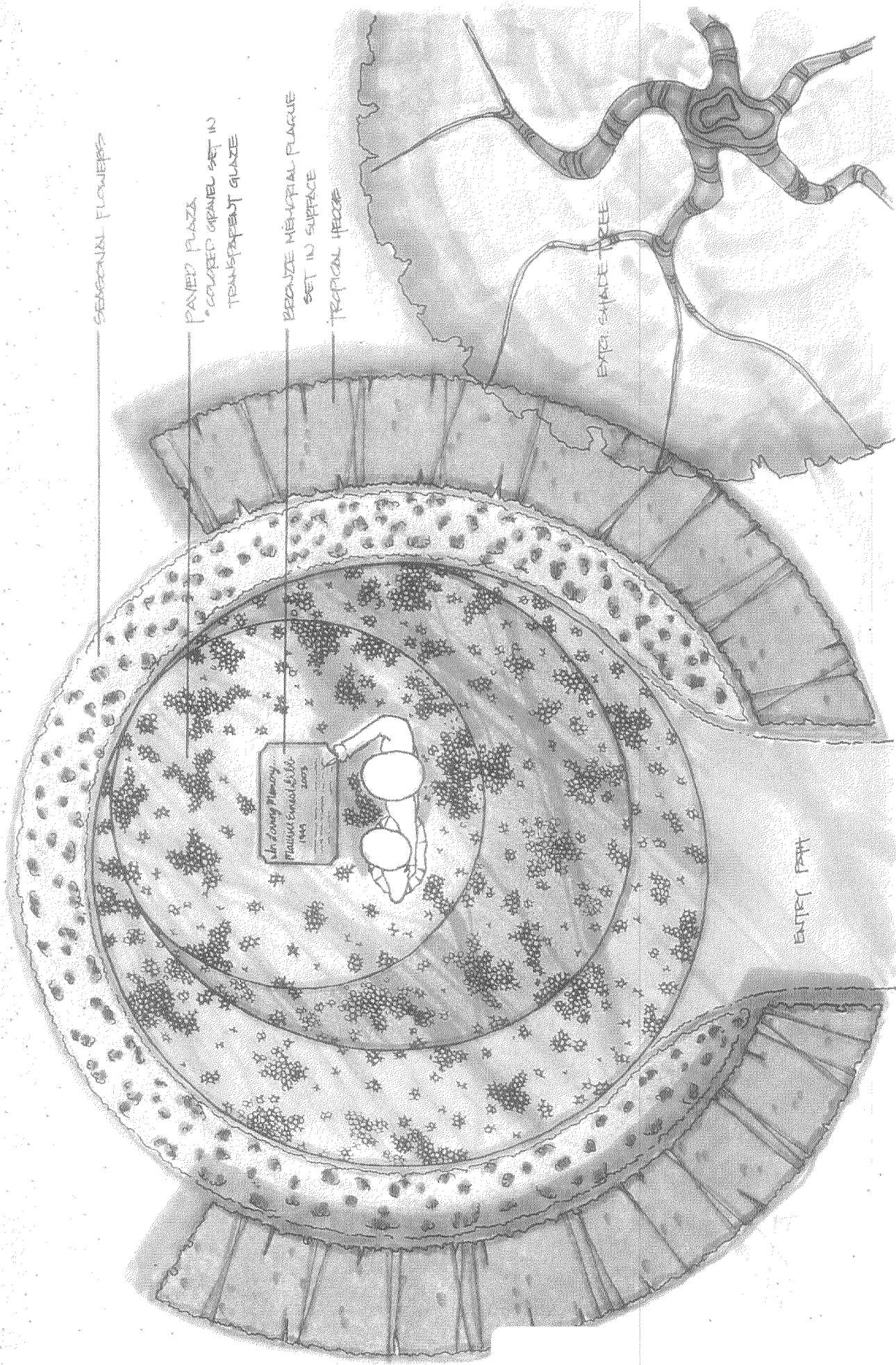


City Attorney

10-7-04
Date

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CONCRETE PAVING



SEASONAL FLOWERS

PAVED PLAZA

COVERED GRANITE SET IN
TRANSPARENT GLAZE

BRONZE MEMORIAL PLaque
SET IN SURFACE

TROPICAL HEDGE

SHADE TREE

ENTRY PATH

PROPOSED MAURICE GIBB MEMORIAL

ATTACHMENT II

CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

A resolution electing Commissioner Simon Cruz as Vice-Mayor for a term commencing on November 1, 2004, and terminating on February 28, 2005, or on such date when a new Vice-Mayor is thereafter elected.

Issue:

Shall Commissioner Simon Cruz be elected as Vice-Mayor?

Item Summary/Recommendation:

The City Commission established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. Commissioner Simon Cruz (Group IV) is next in the rotation to serve as Vice-Mayor.

Advisory Board Recommendation:

N/A

Financial Information:

Amount to be expended:

Source of
Funds:



Finance Dept.

| | Amount | Account | Approved |
|-------|--------|---------|----------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| Total | | | |

City Clerk's Office Legislative Tracking:

Robert E. Parcher, City Clerk

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|--------------|
| | | |

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AGENDA ITEM C7B
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER SIMON CRUZ AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 1, 2004, AND TERMINATING ON FEBRUARY 28, 2005, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.

ANALYSIS

The City Commission has established a policy of rotating the position of Vice-Mayor every four (4) months. Since 1994, the rotation has been by Commission Group number. The next Vice-Mayor Group is Group IV. The term for the next Vice-Mayor is November 1, 2004 through February 28, 2005. Commissioner Simon Cruz (Group IV) is next in the rotation to serve as Vice-Mayor.


JMG/REP

T:\AGENDA\2004\Oct1304\Consent\vice-mayor.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ELECTING COMMISSIONER SIMON CRUZ AS VICE-MAYOR FOR A TERM COMMENCING ON NOVEMBER 1, 2004, AND TERMINATING ON FEBRUARY 28, 2005, OR ON SUCH DATE WHEN A NEW VICE-MAYOR IS THEREAFTER ELECTED.

WHEREAS, the Mayor and City Commission established a policy of rotating the position of Vice-Mayor every four months; and

WHEREAS, for the term commencing on November 1, 2004, and terminating on February 28, 2005, the Mayor and City Commission herein elect Commissioner Simon Cruz as Vice-Mayor.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that Commissioner Simon Cruz is hereby elected as Vice-Mayor of the City of Miami Beach, Florida, for a term commencing on November 1, 2004, and terminating on February 28, 2005, or on such date when a new vice mayor is thereafter elected.

PASSED and ADOPTED THIS _____ day of _____.

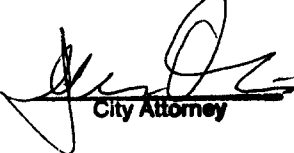
ATTEST:

CITY CLERK

Mayor David Dermer

T:\AGENDA\2004\Oct1304\Consentvice-mayor - RES.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

9-28-04

Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A resolution re-appointing Mr. Warren Bittner, Esq. to serve as Special Master for appeals of decisions of the City's Historic Preservation Board until July 1, 2007 and setting the compensation at \$100.00 per hour with a maximum payment of \$500.00 per case.

Issue:

Shall the City Commission re-appoint Mr. Warren Bittner, Esq. to serve as Special Master?

Item Summary/Recommendation:

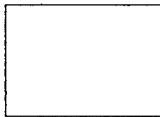
Mr. Bittner has ample experience in historic preservation, as he was legal counsel to the City of Miami Historic Preservation Board and was the Chair of the Miami Shores Historic Preservation Board. Furthermore, Mr. Bittner is an attorney for a government entity; he is not expected to have conflicts of interest which would prevent him from hearing cases. Mr. Bittner has served the City of Miami Beach for the past six years in his capacity as Special Master. He has proven to be objective and thoughtful in his review of cases and his orders outlining his conclusions have been well written and on point as to the issues involved.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

N/A

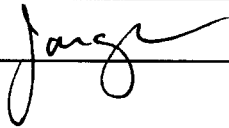
Financial Information:

| Source of Funds:  Finance Dept. | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Bob Parcher, City Clerk

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|---|
| | |  |

T:\AGENDA\2004\Oct1304\Consent\Warren Bittner-sum.doc

AGENDA ITEM C7C

DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Murray H. Dubbin
City Attorney

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RE-APPOINTING MR. WARREN BITTNER, ESQ. TO SERVE AS SPECIAL MASTER FOR APPEALS OF DECISIONS OF THE CITY'S HISTORIC PRESERVATION BOARD UNTIL JULY 1, 2007 AND SETTING THE COMPENSATION AT \$100.00 PER HOUR WITH A MAXIMUM PAYMENT OF \$500.00 PER CASE.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

On June 17, 1998 the City Commission passed Resolution No. 98-22778, re-appointing Mr. Warren Bittner, Esq. as Special Master of appeals of decisions of the City's Historic Preservation Board, for a three year period expiring July 1, 2001, and setting Mr. Bittner's compensation at \$100.00 for each appeal case heard. On June 6, 2001 the Administration passed Resolution No. 2001-24452, re-appointing Mr. Bittner and setting the compensation at \$100.00 per hour with a maximum payment of \$500.00 per case.

City of Miami Beach City Code, Section 118-537 (b) (1) provides for "the applicant, the owner(s) of the subject property, the city manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the board's decision to a special master appointed by the city commission."

Pursuant to Miami Beach City Code, Section 118-537 (b) (3) "Special Masters appointed to hear appeals pursuant to this subsection (b) shall be attorneys who are members in good standing with the Florida Bar and have expertise in the area of historic preservation. Special masters shall serve terms of three years, provided however, that they may be removed without cause upon a majority vote of the city commission." Mr. Bittner has ample experience in historic preservation, as he was legal counsel to the City of Miami Historic Preservation Board and was the Chair of the Miami Shores Historic Preservation Board. Furthermore, Mr. Bittner is an attorney for a government entity; he is not expected to have conflicts of interest which would prevent him from hearing cases.

Mr. Bittner has served the City of Miami Beach for the past six years in his capacity as Special Master. He has proven to be objective and thoughtful in his review of cases and his orders outlining his conclusions have been well written and on point as to the issues involved. During his previous appointment, Mr. Bittner heard one (1) appeal case.

Jorge Gomez, Planning Director, William Cary, Assistant Planning Director and Thomas Mooney, Preservation and Design Manager, support the re-appointment of Mr. Warren Bittner as Special Master for the Historic Preservation Board appeals.

The Administration recommends that Mr. Bittner be reappointed for a three (3) year term expiring on July 1, 2007.

JMG/REP

T:\AGENDA\2004\Oct1304\Consent\Warren Bittner-mem.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RE-APPOINTING MR. WARREN BITTNER, ESQ. TO SERVE AS SPECIAL MASTER FOR APPEALS OF DECISIONS OF THE CITY'S HISTORIC PRESERVATION BOARD UNTIL JULY 1, 2007 AND SETTING THE COMPENSATION AT \$100.00 PER HOUR WITH A MAXIMUM PAYMENT OF \$500.00 PER CASE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach recognize that a process for the review of decisions rendered by the Historic Preservation Board has been established under City of Miami Beach City Code, Section 118-537;

WHEREAS, affected parties have the right to seek a review by a Special Master appointed by the City Commission of projects approved by the Historic Preservation Board;

WHEREAS, Mr. Warren Bittner, Esq., is a uniquely qualified individual, based upon his experience in the field of historic preservation and as a practicing attorney, to review decisions rendered by the Historic Preservation Board;

WHEREAS, in City of Miami Beach Resolution No. 2001-24452, the Mayor and City Commission re-appointed Warren Bittner, Esq. to serve as Special Master for appeals of decisions of the City's Historic Preservation Board through July 1, 2004; and

WHEREAS, said Resolution No. 2001-24452 established the compensation at the rate of \$100.00 per hour with a maximum payment of \$500.00 per case.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

That Mr. Warren Bittner, Esq., is hereby re-appointed to serve as a Special Master for appeals of decisions of the City's Historic Preservation Board for a period of three (3) years expiring on July 1, 2007 and to set his compensation at the base rate of \$100.00 per hour with a maximum payment of \$500.00 per case.

PASSED and ADOPTED this _____ day of _____, 2004.

MAYOR

ATTEST:

CITY CLERK

T:\AGENDA\2004\Oct1304\Consent\Warren Bittner-RES.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10-7-04

Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Accepting the City Manager's Recommendation Pertaining to the Ranking of Auctioneers; Authorizing the Administration to Enter into Negotiations, and Authorizing the Mayor and City Clerk to Execute an Agreement for the Selection of an Auctioneer to Sell to the Highest Bidder City-Owned Property Located at 2620 Biarritz Drive.

Issue:

Shall the Commission Adopt the Resolution?

Item Summary/Recommendation:

A Special Election was held on March 9, 2004 where a voter referendum approved the sale of City-owned property to the highest bidder located at 2620 Biarritz Drive. The proceeds from the property will be used for the City's renovation of the Normandy Shores Golf Course.

Request for Proposals (RFP) No. 30-03/04 was issued for the selection of an Auctioneer to sell the property, as authorized by the City Commission at its June 9, 2004 meeting. Proposals were received from Fisher Auction Co. Inc. and National Auction Company. An Evaluation Committee appointed by the City Manager reviewed the proposals, listened to presentations, scored and ranked the two proposals.

While the Committee believed that both Auctioneers were qualified and had the experience to sell the property, Fisher Auction Co. Inc. was deemed to provide a more comprehensive methodology to their approach to the project. The Committee also considered Fisher's presentation more professional, with details provided in a concise manner. The Committee believed National Auction's presentation to be on more personal level, however, it was not as structured and lacked the level of detail that was anticipated.

The Evaluation Committee ranked Fisher Auction higher than National Auction Company pursuant to the evaluation criteria established in the RFP.

ADOPT THE RESOLUTION.

Advisory Board Recommendation:

The Finance and Citywide Projects Committee at its May 19, 2004 meeting recommended that the Administration go forward with an RFP to select a Professional Real Estate Auctioneer for the sale of the City-owned property located at 2620 Biarritz Drive.

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|---|--------------|---------------------------------|---|----------|
| <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> Finance Dept. | 1 | Not to exceed \$12,680.00 | Marketing and advertising fees provided from proceeds from sale of the property | |
| | 2 | Not to exceed 6% Of Sales Price | Commission or Buyer's Premium provided from proceeds from sale of the property | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

| Department Director | Assistant City Manager/CFO | City Manager |
|---------------------|----------------------------|------------------------|
| | <i>[Signature]</i> | JMG <i>[Signature]</i> |

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF AUCTIONEERS PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 30-03/04 FOR THE SELECTION OF AN AUCTIONEER TO SELL TO THE HIGHEST BIDDER CITY- OWNED PROPERTY LOCATED AT 2620 BIARRITZ DRIVE; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF FISHER AUCTION CO. INC., AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF NATIONAL AUCTION COMPANY; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON THE COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

AMOUNT AND FUNDING

Funding will consist of marketing and advertising expenses not to exceed \$12,680.00, and either a buyer's premium or commission of not to exceed 6% of the total purchase price of the property. These fees are subject to negotiation with the Administration. Funding for these fees will be provided from the proceeds of the sale of the property.

ANALYSIS

The Mayor and City Commission at its December 10, 2003 meeting, adopted Resolution No. 2003-25440 calling for a special election to be held on March 9, 2004, for the purpose of submitting to the electorate of the City of Miami Beach (the "City") a question asking whether the City should sell waterfront property located at 2620 Biarritz Drive in Miami Beach, Florida (the "Property"), with the sale proceeds to be utilized for renovation of the City's Normandy Shores Golf Course.

On March 9, 2004, the City held a Special Election to present the voters with seven ballot questions, including Ballot Question No. 7 entitled, "Sale of 2620 Biarritz Drive", which read as follows:

"Shall the City of Miami Beach sell waterfront property located at 2620 Biarritz Drive in Miami Beach, Florida (survey and legal description of property on file in City's Public Works Department), with the sale proceeds to be utilized for the City's renovation of the Normandy Shores Golf Course?"

Commission Memo

RFP 30-03/04 – The Selection of an Auctioneer to Sell to the Highest Bidder City-Owned Property Located at 2620 Biarritz Drive, Miami Beach

October 13, 2004

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The voters approved the sale of the Property. As part of the referendum, it was explained to the voters that the City would sell the Property through a public sale based on the fair market value as determined by a professional, independent appraisal. The Property would be sold to the highest bidder and zoned for a single-family residence. The proceeds of the sale would be used for the City's renovation of the Normandy Shores Golf Course. The duly registered and qualified voters of the City voted in favor of selling the aforementioned waterfront property.

On April 22, 2004, an appraisal report was forwarded to the Mayor and City Commission, via Letter to Commission (LTC) No. 91-2004. Said report was prepared by Integra Realty Resources who estimated the market value of the Property as of April 8, 2004, to be \$870,000. A copy of Integra's appraisal report is attached.

On May 5, 2004, the Administration recommended that the City Commission refer to the Finance and Citywide Projects Committee (the "Committee") for discussion, the alternative options to consider relative to the process by which the Property will be publicly and competitively offered for sale to ensure that the highest and best price is achieved. The Mayor and City Commission accepted the Administration's recommendation and referred the item to the Committee.

The Committee meeting was held on May 19, 2004. The Committee discussed the sale of waterfront property located at 2620 Biarritz Drive, Miami Beach, Florida. The City Manager introduced and summarized the item by stating that the Administration is seeking guidance from the Committee relative to the competitive process and minimum bid requirements applicable to the sale of the Property.

The City's Procurement Director discussed the pros and cons associated with the following processes:

- Real Estate Auctioneer;
- Real Estate Broker;
- Competitive Sealed Bidding;
- E-Bay; or a
- Combination of two or more of the above processes.

The Committee discussed the pros and cons, including costs, associated with the alternatives available in order to optimize the return to the City from the sale of the property. After considering the various options and the pros and cons with each, the Committee instructed the Administration to establish criteria for and prepare an RFP for a Professional Real Estate Auctioneer for the sale of the Property, and to include in the RFP a minimum bid requirement for the proposed auction. The Committee expressed a sentiment that by selecting a Professional Real Estate Auctioneer, the process would be open, fair and competitive.

The Mayor and City Commission at its June 9, 2004 meeting, authorized the Administration to issue this Request for Proposals (RFP) for the selection of an auctioneer to sell to the highest bidder, City-owned property located at 2620 Biarritz Drive, Miami Beach.

RFP PROCESS

On June 21, 2004, RFP No. 30/03-04 was issued and notices sent to 26 individuals or firms, which resulted in the receipt of two qualifications packages from the following firms:

Commission Memo

RFP 30-03/04 – The Selection of an Auctioneer to Sell to the Highest Bidder City-Owned Property Located at 2620 Biarritz Drive, Miami Beach

October 13, 2004

Page 3 of 5

- 1) Fisher Auction Co., Inc.
- 2) National Auction Company

Included in the scope of services were the following items for which the Auctioneer shall be responsible:

1. Design and implement a City-approved advertising campaign to local, regional and national print media publications.
2. Establishing pre-sale budget line item relative to the marketing/advertising budget for the City's approval.
3. Develop a proactive public relations campaign.
4. Notify and encourage participation from the Real Estate Brokerage community.
5. Compile, assemble and distribute complete and accurate Property information packages (in hard copy and CD) to prospective purchasers and interested brokers.
6. Monitoring all pre-sale activities and reporting processes to the City's Project Manager.
7. Establish a toll free number for inquiries.
8. Link notice of sale to all industry related web sites.
9. Conduct scheduled showing/inspections.
10. Assist in the development of General Terms and Conditions relative to the sale of Property.
11. Develop all required forms.
12. Distribute the Notice of Sale to potential buyers and brokers on a national, regional and local scope.
13. Conduct day of sale activities.
14. Track all pre-sale responses to the marketing campaign.
15. Interface with all interested parties.

On August 6, 2004 the City Manager via Letter to Commission No. 206-2004 appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

1. Jose Damien, Asset Manager - CMB
2. Marguerite Ramos-Herrera, North Beach Resident
3. Stephen Hertz, North Beach Resident
4. Leon Manne, North Beach Resident
5. Alfredo Rey, Real Estate Broker/Resident
6. Silvia Rotbart, Real Estate Broker/Resident
7. Kevin Smith, Parks and Recreation Director - CMB

Leon Manne and Alfredo Rey were unable to serve on the Committee, upon being contacted by Procurement to schedule a Committee meeting. Suggested alternate Committee Members were not willing to participate due to conflicts with work schedules and other reasons.

The Committee convened On September 23, 2004 and was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance, and the Government in the Sunshine Law. The Committee then listened to presentations from Fisher Auction Co. Inc. and National Auction Company. After each presentation, the Committee engaged in a question and answer session with the presenters.

Commission Memo

RFP 30-03/04 – The Selection of an Auctioneer to Sell to the Highest Bidder City-Owned Property Located at 2620 Biarritz Drive, Miami Beach

October 13, 2004

Page 4 of 5

While the Committee believed that both Auctioneers were qualified and had the experience to sell the property, Fisher Auction Co. Inc. was deemed to provide a more comprehensive methodology to their approach to the project.

The compensation noted in the two proposals was comparable, given the marketing and advertising figures provided by both firms. The proposal submitted by Fisher Auction contained a detailed budget, while National's proposal lacked budgetary specifics. National Auction's commission rate for the sale was 2% less than Fisher Auction's commission rate, however the Committee noted a more international and comprehensive advertising plan from Fisher Auction. This differential in the quoted commission was considered insignificant, given the added exposure from Fisher Auction's promotional plan.

In addition, Fisher Auction's presentation was considered more professional and provided details in a concise manner. Their presentation included handouts of a sample Property Management Package as well as an Auction Summary of a recent high value and high visibility project they had sold at auction.

While they believed National's presentation to be on more of personal level, it was not structured and lacked the level of detail that was anticipated from the Committee.

It was noted that both Auctioneers supplied positive reference contacts in their proposal packages and all references received relative to both Auctioneers were excellent. Fisher Auction took the initiative to include over 100 reference letters in their initial submission, while National provided these letters upon request.

The Committee was instructed to rank and score each proposal pursuant to the evaluation criteria established in the RFP, which was as follows (total possible 100 points):

| <u>Evaluation Criteria/Factors</u> | <u>Weight</u> |
|--|---------------|
| ▪ Experience and qualifications of the firm | 15 points |
| ▪ Experience and qualifications of the Auctioneer(s) assigned to Sell the Property | 30 points |
| ▪ Methodology and Approach | 15 points |
| ▪ Cost/Fees | 20 points |
| ▪ Past Performance | 20 points |

The Committee then scored and ranked the firms as follows:

| COMMITTEE MEMBER | FISHER AUCTION SCORE | FISHER AUCTION RANKING | NATIONAL AUCTION SCORE | NATIONAL AUCTION RANKING |
|--------------------------|----------------------|------------------------|------------------------|--------------------------|
| JOSE DAMIEN | 93 | 1 st | 86 | 2 nd |
| MARGUERITE RAMOS-HERRERA | 100 | 1 st | 90 | 2 nd |
| STEPHEN HERTZ | 100 | 1 st | 85 | 2 nd |
| SILVIA ROTBART | 75 | 1 st | 71 | 2 nd |
| KEVIN SMITH | 87 | 1 st | 72 | 2 nd |

Commission Memo

**RFP 30-03/04 – The Selection of an Auctioneer to Sell to the Highest Bidder City-Owned Property
Located at 2620 Biarritz Drive, Miami Beach**

October 13, 2004

Page 5 of 5

The Committee ranked Fisher Auction Co. Inc. number one (1) and National Auction Company number two (2).

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the attached resolution, which recommends the acceptance of the ranking of the Auctioneers and authorizes the Administration to enter into negotiations with the top-ranked firm of Fisher Auction Co. Inc.; and should the Administration not be able to negotiate an agreement with the top-ranked firm, authorize the Administration to negotiate with the second-ranked firm of National Auction Company; and further authorizes the Mayor and City Clerk to execute an agreement upon the completion of successful negotiations by the Administration.

LAND APPRAISAL REPORT

File No. 0004143

Borrower N/A Census Tract 39.050 Map Reference 53-42-03
 Property Address 2620 Biarritz Drive
 City Miami Beach County Miami-Dade State FL Zip Code 33141
 Legal Description See attached.
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised ☒ Fee ☐ Leasehold ☐ De Minimis PUO
 Actual Real Estate Taxes \$ N/A (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A
 Lender/Client City of Miami Beach Address 1700 Convention Center Drive, Miami Beach, FL 33139
 Occupant Vacant Appraiser Frank L. Marmin Instructions to Appraiser Market value of City-owned bayfront parcel as a single family lot.

| | | | | | | |
|----------------------------|--|--|---|---|-----------------------------------|--|
| Location | <input type="checkbox"/> Urban | <input checked="" type="checkbox"/> Suburban | <input type="checkbox"/> Rural | Employment Stability Convenience to Employment Convenience to Shopping Convenience to Schools Adequacy of Public Transportation Recreational Facilities Adequacy of Utilities Property Compatibility Protection from Detrimental Conditions Police and Fire Protection General Appearance of Properties Appeal to Market | | |
| Built Up | <input checked="" type="checkbox"/> Over 75% | <input type="checkbox"/> 25% to 75% | <input type="checkbox"/> Under 25% | | | |
| Growth Rate | <input type="checkbox"/> Fully Dev. | <input checked="" type="checkbox"/> Rapid | <input type="checkbox"/> Slow | | | |
| Property Values | <input checked="" type="checkbox"/> Increasing | <input checked="" type="checkbox"/> Stable | <input type="checkbox"/> Declining | | | |
| Demand/Supply | <input type="checkbox"/> Shortage | <input checked="" type="checkbox"/> In Balance | <input type="checkbox"/> Oversupply | | | |
| Marketing Time | <input type="checkbox"/> Under 3 Mos. | <input checked="" type="checkbox"/> 4-6 Mos. | <input type="checkbox"/> Over 6 Mos. | | | |
| Present Land Use | <input type="checkbox"/> 80% 1 Family | <input type="checkbox"/> 2-4 Family | <input type="checkbox"/> 10% Apts. | | <input type="checkbox"/> 5% Condo | <input type="checkbox"/> 5% Commercial |
| Change in Present Land Use | <input checked="" type="checkbox"/> Not Likely | <input type="checkbox"/> Likely (*) | <input type="checkbox"/> Taking Place (*) | | | |
| Predominant Occupancy | <input checked="" type="checkbox"/> Owner | <input type="checkbox"/> Tenant | <input type="checkbox"/> % Vacant | | | |
| Single Family Price Range | \$ <u>300,000</u> to \$ <u>1.5Mil+</u> | | Predominant Value \$ <u>300,000's</u> | | | |
| Single Family Age | New yrs. to <u>66</u> yrs. | | Predominant Age <u>50's</u> yrs. | | | |

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject property is located on an island in Biscayne Bay and is primarily comprised of single family homes built during the 1940's - 1950's. Access is at Biarritz or Bay Drive from Normandy Isle, which connects to the mainland via SR 943 (The J.F. Kennedy Causeway). Schools, parks, public transportation, shopping facilities and other service related facilities are within close proximity.

Dimensions 79.47 x 192.99 x 72.73 x 152.11 = 12,795 Sq. Ft. or Acres ☐ Corner Lot
 Zoning classification RS-3, Single Family Present improvements ☐ do ☐ do not conform to zoning regulations
 Highest and best use ☒ Present use ☐ Other (specify) * The value opinion is subject to the RS-3 zoning.
 Elec. ☒ Public ☐ Other (Describe) _____
 Gas ☐ _____
 Water ☒ _____
 San. Sewer ☐ _____
 Underground Elect. & Tel. ☐ _____
 OFF SITE IMPROVEMENTS
 Street Access ☒ Public ☐ Private
 Surface Asphalt
 Maintenance ☒ Public ☐ Private
 Storm Sewer ☒ Curb/Gutter ☐ Street Lights
 Sidewalk ☒ _____
 Topo Level to Grade
 Size Average
 Shape Irregular Quadrilateral
 View Wide Bay
 Drainage Appears to be Adequate
 Is the property located in a HUD identified Special Flood Hazard Area? ☐ No ☒ Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): The appraiser was not provided with a current survey; however, no adverse conditions were noted at the time of inspection. A survey dated 5/31/90 (see attached) was provided. A current survey is suggested to assess if any easements and/or encroachments exist. It is beyond the scope of our expertise to assess the presence of adverse environmental conditions. It is believed that this site was used for some trash and the value conclusion is based on no contamination.

The undersigned has rected three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar* adjustment reflecting market reaction to these items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior* to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

| ITEM | SUBJECT PROPERTY | COMPARABLE NO. 1 | COMPARABLE NO. 2 | COMPARABLE NO. 3 |
|----------------------------------|------------------------------------|---|--|--|
| Address | 2620 Biarritz Drive Miami Beach | 1800 Bay Drive Miami Beach (02-3210-002-0040) | 900x Bay Drive Surfside (14-2235-001-3000) | 1162 Belle Meade Island Drive Miami (01-3207-037-0310) |
| Proximity to Subject | | 0.64 miles | 1.73 miles | 1.95 miles |
| Sales Price | \$ <u>N/A</u> | \$ <u>900,000</u> | \$ <u>520,000</u> | \$ <u>1,150,000</u> |
| Price / Sq. Foot | \$ <u>N/A</u> | \$ <u>88.24</u> | \$ <u>56.22</u> | \$ <u>85.85</u> |
| Data Source | Inspection, Survey | Ext. Inspection, FARES, MLS | Ext. Inspection, FARES, MLS | Ext. Inspection, FARES, MLS |
| Date of Sale and Time Adjustment | DESCRIPTION | DESCRIPTION +(-)\$ Adjust | DESCRIPTION +(-)\$ Adjust | DESCRIPTION +(-)\$ Adjust |
| | N/A | April 2003 +90,000 | February 2004 | April 2004 |
| Location | Normandy Isle | Normandy Isle | Surfside | Belle Meade Island |
| Site/View | 12,795 Sq. Feet | 10,200 Sq. Feet +51,900 | 9,250 Sq. Feet +70,900 | 13,395 Sq. Feet 0 |
| Water Front Feet | 72 Front Feet | 60 Front Feet +60,000 | 50 Front Feet +110,000 | 108 Front Feet -180,000 |
| View | Wide Bay | Wide Bay, City -240,000 | Indian Creek Wtrwy +200,000 | Wide Bay |
| Sales or Financing Concessions | N/A | Conventional Financing | PMM \$312,000 | None Noted |
| Net Adj. (Total) | | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>38,100</u> | <input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ <u>380,900</u> | <input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ <u>280,000</u> |
| Indicated Value of Subject | | \$ <u>881,900</u> | \$ <u>900,900</u> | \$ <u>870,000</u> |

Comments on Market Data: See attached.

Comments and Conditions of Appraisal: This is a summary appraisal report set forth under rule 2-2(b) of U.S.P.A.P. The report is also subject to no hidden defects, the attached statement of limiting conditions and hypothetical condition. The value opinion is made with the assumption that the property can be developed with a single family home and no environmental conditions including any restrictions atypical from DERM.

Final Reconciliation: The final estimate is based upon the conclusions reached in the Sale Comparison Analysis which reflects the actions of buyers and sellers in the marketplace. The Cost Approach and Income Approach are not applicable in valuing vacant residential land.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF April 8, 2004 to be \$ 870,000

Frank L. Marmin

Appraiser(s)

Mark A. Canyon, ASA

Review Appraiser (if applicable)

☐ Old

☒ Did Not Physically Inspect Property

[22]

File No. 0004143

Form LND.(AC) — "TOTAL for Windows" appraisal software by a la mode, inc. — 1-800-ALAMODE

**THE ATTACHED ARE EXCERPTS FROM THE FISHER
AUCTION COMPANY, INC. PROPOSAL.**

**THE ENTIRE PROPOSAL IS ON FILE AT THE
CITY CLERK'S OFFICE.**

FISHER

AUCTION CO. INC

Letter of Transmittal

VIA: Hand Delivery

July 27, 2004

Ms. Pamela Leja
Procurement Division
City of Miami Beach
1700 Convention Center Drive
Third Floor
Miami Beach, Florida 33139

**RE: Request for Proposal
(RFP) No. 30-03/04**

Dear Ms. Leja,

On behalf of **Fisher Auction Co., Inc.**, I am pleased to provide you with the enclosed proposal in response to the above referenced matter.

Our proposal (see **Section II “Marketing Plan Summary and Proposal” of proposal**) is designed to create maximum competition equaling maximum value on the City’s owned property to provide proceeds sufficient for renovation of the City’s Normandy Shores Golf Course.

For over 37 years, our core business activities have focused on planning, orchestrating and conducting successful Auctions of real property for Institutional Sellers and Government Agencies, e.g. G.S.A., F.D.I.C., R.T.C., U.S.M.S., FmHA, SBA, 11 districts of the U.S. Federal Bankruptcy Court and many State, County and Municipal Agencies (see **Section I “Executive Summary of Accomplishments” of proposal**). We are a Government Contractor and understand procurement processes, reporting requirements, accountability and public relations / sensitivity issues (see **Section III “References” of proposal**).

To that extent, we have successfully sold and closed over 15,000 surplus properties in excess of 1.5 billion dollars throughout the United States, Mexico, Puerto Rico and U.S. Virgin Islands (see **Section VI “Properties Auctioned” of our proposal**). On August 10, 2004, we will be auctioning the Miami Arena for the City of Miami.

Our experienced programs provide the necessary services and blueprint for a successful sale. Timelines, approval processes, progress reports all ensure quality control of the engagement.

CORPORATE HEADQUARTERS

2745 East Atlantic Boulevard, Suite 200, Pompano Beach, Florida 33062-4945

954.942.0917 • 954.782.8143 Facsimile • 800.331.6620

www.fisherauction.com • info@fisherauction.com

AU #332 • AB #106

We successfully sell and close over 96.2% of all properties we Auction. Those which don't sell Auction day are sold during our post Auction period process. One which has not been sold or closed at Auction or during the post Auction period was an 11.5 acre leasehold estate at I-95 / Cypress Creek Road in Ft. Lauderdale. The reasons included: escalating lease payments to F.D.O.T., development order in place limiting development options, requirements to provide an overpass and \$1,000,000.00 in obligations, which had to be assumed by the new purchaser.

We are confident in our abilities to meet and / or exceed the objectives as set forth in your request for proposal.

Should you have any questions, please feel free to contact me at 954.942.0917 x18 or 954.931.0592 cellular.

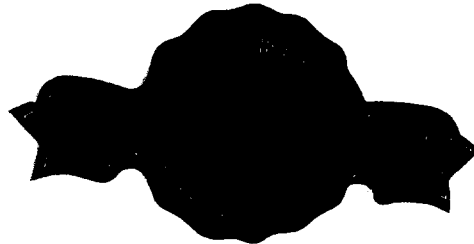
Thanking you in advance for your consideration of our proposal and hope we get a chance to work together!

Sincerely,

FISHER AUCTION CO., INC.



Louis B. Fisher, III, CEO
lfisher@fisherauction.com





EXECUTIVE SUMMARY OF ACCOMPLISHMENTS

This important sales initiative will require the selected Real Estate Advisory Team to be experienced in selling Miami waterfront properties. This encompasses vacant sites / land, single family residences, hotels, rentals, and condominium projects. Another major requirement is to employ a Team knowledgeable with Government procurement processes, accountability and reporting requirements, and familiarity with the State of Florida's regulated policies and procedures. Lastly, the Team should have a successful record of selling million / multi-million dollar properties and having a local, national and international presence. These characteristics and qualifications will be needed to achieve the greatest exposure and highest possible price for the City of Miami Beach property located at 2620 Biarritz Drive.

Fisher Auction Co., Inc. possesses these characteristics and qualifications. We believe our Team is "uniquely" qualified to achieve your objectives. Examples of some of our recent accomplishments are presented below:

◆ Fisher Auction Co., Inc. on Saturday July 24, 2004 conducted a successful Auction on a residential development site in South Florida across from the ocean for the Probate Court / Personal Representative. Twenty (20) registered bidders attended with \$100,000.00 Cashier's Check each. We also received fifteen (15) broker registrations from the brokerage community representing potential bidders. The property sold for \$1,705,000.00, which had an appraised value of \$1,050,000.00. **Fisher Auction Co., Inc. has a current up to date database of qualified prospects seeking waterfront development sites and a list of brokers with prospects.**

◆ In February of 2004, Fisher Auction Co., Inc. conducted the sale of a 69 room Boutique Hotel in downtown Naples, Florida adjacent to the Gulf of Mexico. The property was in Chapter 11 Bankruptcy. Our marketing campaign generated over 20,000 inquiries from 33 States and 5 Foreign Countries with 350+ individuals / entities touring the property, which sold and closed for \$12,660,000.00. **Fisher Auction Co., Inc. is experienced with creating the perception of value while positioning our client's properties for Auction (see attached reference letters).**

◆ Fisher Auction Co., Inc. recently conducted the successful sale of the Charles Hotel at 14th and Collins in Miami Beach, Florida. The property had been closed for an extended period of time and had several code violations by the City. Five (5) registered bidders from Florida and France each posted \$500,000.00 Cashier's Check to bid. The property sold and closed for \$4,200,000.00. **Fisher Auction Co., Inc. knows the Florida market and has a tremendous reputation throughout the State and Abroad.**

◆ Fisher Auction Co., Inc. recently sold a hotel timeshare resort on Collins Avenue at 71st Street in Miami Beach for \$7,100,000.00. The property was a mixed-use development in bankruptcy with previously closed timeshare sales. In total, Fisher Auction Co., Inc. produced and sold (for \$150.00 each) 39 extensive Property Information Packages to national and international developers and interested prospects. **Fisher Auction Co., Inc. is experienced with major real estate sales initiatives of re-development properties.**



◆ Fisher Auction Co., Inc. in July of 2000 sold the 268-room Miami Beach, Florida, oceanfront Cadillac Hotel for \$14,250,000.00. The property had limited parking and was in need of major renovations. **Fisher Auction Co., Inc. is experienced in selling major Miami Beach properties.**

◆ Fisher Auction Co., Inc. sold a 316-unit Miami apartment building for \$8.3 million dollars. The property had many complexities with zoning, legal issues, structural deficiencies, etc. The property was marketed internationally to bring the highest possible price. **Fisher Auction Co., Inc. has the experience of selling complex properties at Auction.**

◆ Selling multi-million dollar properties in a professional, yet time efficient manner is a major task. The coordination of transportation, staffing, working with local and international brokers/purchasers, sales contract preparation, printing, media placement, reporting requirements, approval processes, etc. is essential to the production of well-run auctions. This massive undertaking will require an auction Team experienced in managing many people at one time. **The team of Fisher Auction Co., Inc. specializes in this type of assignment.**

◆ In February of 2000, Fisher Auction Co., Inc. conducted a Bankruptcy Court Ordered Auction for a 123 unit Miami Beach condominium project. We opened and managed an on-site Sales Center for a two-month pre-sale sales program, which resulted in 39 acceptable pre-auction contract sales. Over 3,500 individuals inspected the properties from 34 different States, 22 different countries and 4 different Canadian provinces. The remaining 84 units were sold in bulk with total sales of the entire project exceeding \$24,000,000.00. **Fisher Auction Co., Inc. is experienced with successful marketing programs on an international and national level for a successful transaction.**

◆ In February of 1999, Fisher Auction Co., Inc. conducted a Bankruptcy Court Ordered Auction of 90 individual residential condominium units at Seacoast Towers resulting in sales of over \$17,000,000.00. Half of these units were occupied and the other half unfinished and two weeks prior to the event, the Condominium Association filed bankruptcy. **Fisher Auction Co., Inc. is extremely familiar with marketing a major asset and overcoming obstacles during the pre-sale marketing.**

◆ We have also Auctioned 1,806± Texas Bank properties in 10 Auctions over 11 days and 910± Colorado, New Mexico and Arizona properties in 4 auctions over 5 days. These two major events were organized and conducted within 45 days of being selected as the Contractor. Our staff, office and subcontractors are geared and experienced to react quickly in multi-property, multi-location, multi-date Auctions. **Fisher Auction Co., Inc. is experienced in multiple logistics while maintaining the integrity necessary for a quickly orchestrated successful event.**

◆ Fisher Auction Co., Inc. has successfully marketed and sold over 1,000 real estate properties and loans in Puerto Rico, Mexico and the U.S. Virgin Islands for financial institutions, government agencies, corporate entities, major developers and law firms. **Fisher Auction Co., Inc. has experience with international buyers, a database of potential prospects and a quality broker network presence.**



◆ Fisher Auction Co., Inc. conducted a successful condominium resort Auction in Mt. Crested Butte, Colorado. The Auction was conducted live in Mt. Crested Butte with telecommunication hook-ups in Denver, Colorado, Dallas and Texas. The Auction attracted 226 bidders from 34 states and generated sales of 110% of appraised value. **Fisher Auction Co., Inc. is experienced with creative marketing techniques designed to maximize the return on investment.**

◆ As in our past Auctions, Fisher Auction Co., Inc. plans to utilize the services of assisting brokers based on their competence and abilities. This prior knowledge and close proximity to the property assists the marketing process tremendously when reviewing brochure property information and preparing Property Information Packages. **Fisher Auction Co., Inc. is experienced with Auctions in 46 different States including Puerto Rico, Mexico and the U.S. Virgin Islands with broker relationships in each area.**

◆ Fisher Auction Co., Inc. will assign Louis B. Fisher, III, CEO, as lead Auctioneer and Public Relations spokesperson for this unique Auction event. Mr. Fisher is a three time Florida State Champion Auctioneer and has been the Lead Auctioneer for more than 2,000 Auctions successfully selling and closing over 10,000 properties nationwide and internationally. Additionally, he has conducted successful interviews with USA Today, Wall Street Journal, National Real Estate Journal, Washington Post, Hotel Business, Hotel and Motel Management, NBC, ABC, CBS, Fox-TV, Inside Edition, Entertainment Tonight and other major Media Publications around the Country. This expertise will assist the Auction Process. **Fisher Auction Co., Inc. is experienced in the public relations issues involved in a major Auction.**

◆ Fisher Auction Co., Inc., as standard operating procedure, provides its' Seller(s) with daily telemarketing reports, day of Auction registration summary depicting number of bidders by deposit type and computerized reports of individual property sales versus appraised value (and Broker's Opinion of Value), in percentage form. These computer tracking and information systems continue to the post-auction reports, which will aid and assist you with the City and Auditors in your summary reporting requirements. **Fisher Auction Co., Inc. is experienced in monitoring and reporting progress for the Seller on a daily basis through updates, weekly reports, approval processes, media response activity reports, Auction timelines, status reports and a complete Sellers Auction Summary for file and review purposes.**

◆ Fisher Auction Co., Inc. believes the follow-up reporting and contracting with back-up bidders, if required, is vital to the success of the Auction. Beginning with Contract approval, Louis B. Fisher, III and Lamar Fisher who have successfully dealt with complex title, legal and State regulated issues in the past; will meet with Title Companies/Closing Agents/Sellers Officials to review Auction Day procedures, status of title problems, post-Auction procedures, etc. We have found these efforts to be extremely effective for major Auctions in the past. **Fisher Auction Co., Inc. is not only experienced in executing the marketing assignment and selling properties - but also on closing escrow.**

We thank you for your consideration on this important Auction Solicitation. **Fisher Auction Co., Inc. has the experience, knowledge, staffing and desire to conduct this important sales initiative.**



List of 8 Client References

Glenn Marcos, Purchasing Director
City of Miami
444 S.W. 2nd Avenue
Miami, FL 33130
Phone: 305.416.1921
Fax: 305.416.1925
GMarcos@ci.miami.fl.us

Michael Finn, Vice President
Associated Bank
401 East Kilbourn Avenue
Milwaukee, WI 53202
Phone: 414.283.2338
Fax: 414.283.2340
michael.finn@associatedbank.com

Jordi Gusó, Esquire
Berger Singerman
200 S. Biscayne Boulevard
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Miami, FL 33131
Phone: 305.714.4375
Fax: 305.714.4340
jguso@bergersingerman.com

Patricia Redmond, Esquire
Stearns Weaver Miller Weissler Alhadeff
& Sitterson P.A. Attorneys at Law
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Fax: 305.789.3395
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Phil Lozano
Special Assets
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Timothy B. Hannon
Vice President, Fleet Bank
Trust Real Estate Department
100 Federal Street - 4th Floor
MADE10004C
Boston, MA 02110
Phone: 617.434.2711
Fax: 617.434.3026
timothy_b_hannon@fleet.com

Kevin Gleason, P.A.
2699 Stirling Road
Suite A-201
Ft. Lauderdale, FL 33312
Phone: 954.893.7670
Fax: 954.893.7675
notulate@aol.com

See Section III for over 100 Letters of Reference



Louis B. Fisher, III, C.A.I.

Mr. Fisher is the third generation of Fisher Auction Co., Inc., having joined the firm full time in 1979. He has served as its Chief Executive Officer since 1991, specializing in Major Corporate, Banking and Government Business Development. His direct presentation and sales efforts to top officials throughout the Country have resulted in more than One Billion Dollars of sales revenues. His skills include contract negotiations, proposal writing, sales presentations, representing Institutionally owned real estate portfolios and public relations. He is a three-time champion Auctioneer and has personally conducted over 2,000 Auctions with properties and assets in 46 States, Mexico, Puerto Rico and US Virgin Islands.

Mr. Fisher was born and raised in Broward County, Florida and graduated from the University of Florida with a Bachelor of Arts degree in 1979 and since has obtained the C.A.I. designation from the Auction Marketing Institute. He continues to lead Fisher Auction Co., Inc. as **"The Standard of Excellence"™** in the Accelerated Marketing Industry.

Professionally, Mr. Fisher was responsible for conducting the first real estate Auction in Mexico, the largest real estate Auction in Texas and the first major real estate Auction in Washington, D.C. He helped the U.S. Government develop and perfect the bid process known as the Sealed Bid / Auction. He is a recognized expert on the Accelerated Marketing process and has conducted many seminars to Industry Trade Associations and Federal Government Associations throughout the United States.

Socially, Mr. Fisher is an avid basketball fan and enjoys golf, boating and skiing.



Lamar P. Fisher, Sr., CAI, AARE

Lamar P. Fisher is the third generation of Fisher Auction Co., Inc. After graduating from college he has spent his entire career of 24 years with the firm. He serves as President and is a principal owner as well.

Mr. Fisher is a fourth generation resident of Pompano Beach, Broward County, Florida. He holds an AA Degree from Palm Beach Junior College, graduate of the Certified Auctioneers Institute (C.A.I.) and an Accredited Auctioneer Real Estate (A.A.R.E.) from the Auction Marketing Institute.

Mr. Fisher's responsibilities include sales presentations, writing proposals, project management, property management, extensive property due diligence, conducting and closing real and personal property auctions throughout the United States for major Trust Companies, Small Business Administration Preferred Lenders, Developers, Attorneys, Private Sellers and Municipalities.

Mr. Fisher's community involvement includes the current Vice Mayor of the City of Pompano Beach, Florida. As to his civic involvement, he has held several offices in Kiwanis International including Past Distinguished Governor for the State of Florida receiving multiple accomplishment awards.

With Mr. Fisher's proven leadership, professionalism and dedication to the Auction Industry, he continues to assist Fisher Auction Co., Inc. in being one of the top firms in the country.

730 N.E. 116th Street
Biscayne Park, Florida 33161

305.893.0194
305.893.1751 Fax
E-mail: aplbpf@aol.com

André LaBauve

Title

Controller

Experience

1992 – Present Fisher Auction Co., Inc. Pompano Beach, FL

Controller, Closing Coordinator and Administrative Assistant

- Responsible for all accounting functions of the Company including but not limited to: Payroll, Taxes, Accounts Receivable, Accounts Payable, and Auction Marketing Expense Portfolios.
- Tracking Real Estate Contracts through closing. Contract Room Coordinator at Real Estate Auctions.
- Prepare Auction Marketing Proposals. Disseminate and track Auction information to potential purchasers on specific Auctions.

1987 - 1992 Auction Company of America Miami, FL

Controller

- Controller of the Company. Duties included, but were not limited to payroll, payroll taxes, accounts payable, accounts receivable, auction expense reporting, and commissions payable.
- Instrumental in developing the Auction – Trac System, whereby sales contracts were monitored to closing.
- Attended and supervised the Contract Room at Real Estate Auctions and handled invoicing and payments at personal property Auctions.

1986 – 1986 Federal Deposit Insurance Corporation Bossier City, LA

Liquidation Assistant of Owned Real Estate

- In charge of liquidating real estate obtained through failed banks. In March 1987 assisted in the first F.D.I.C. Louisiana Real Estate Auction, in which over 430 properties were sold and the auction considered a huge success.

1979–1986 American Bank & Trust Co. Lafayette, LA

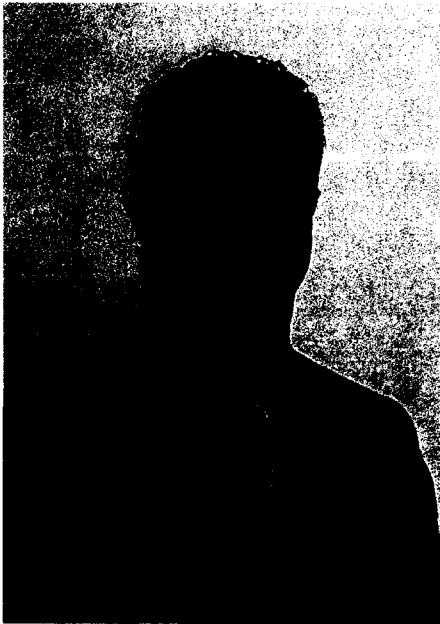
Foreclosed Property Manager

Experienced in the following departments: collateral, credit, loan review and credit analysis.

Education

1978 University of Southwestern Louisiana Lafayette, LA

- B.A., Business Administration
- 1974 Graduate of Catholic High School, New Iberia, Louisiana



Francis D. Santos, G.P.P.A.

Francis D. Santos serves as Vice President of Fisher Auction Company. Mr. Santos has been employed at Fisher for 10 years with responsibilities that include Project Management, Auction Coordination, Due Diligence Research, Personal Property Appraising, and Auction Ring man.

Mr. Santos is active in the National Auctioneer's Association, Florida Auctioneer's Association, Auction Marketing Institute, and is a Public Notary.

Mr. Santos currently holds a Florida Real Estate Salesperson License, Graduate Personal Property Appraiser Designation from Auction Marketing Institute, and membership in the Industrial Association of Dade County.

Mr. Santos received his education at Trident Community College, Charleston South Carolina; Gold Coast School of Real Estate, Fort Lauderdale, Florida; Auction Marketing Institute, Orlando, Florida.

PRICE PROPOSAL

- 1.) Fisher Auction Co., Inc. proposes a twelve thousand, six hundred and eighty dollar (\$12,680.00) presale budget (hereinafter referred to as "the marketing and advertising expenses") for marketing and advertising expenses including but not limited to brochures, newspapers, electronic media, industry trade publications and any other advertising pursuant to the City of Miami Beach's Auction. Additional advertising/marketing funds may be spent at the discretion of Fisher; however, the maximum exposure to the City will not exceed twelve thousand, six hundred and eighty dollars (\$12,680.00). All bidders will be subject to the terms and conditions of the bid procedures approved by the City of Miami Beach.

The amount proposed for marketing and advertising expenses is based on over 37 years of national and international experience of conducting major real estate sales initiatives with closings in excess of \$1.5 billion dollars (see Section VI of the proposal from government and court related real estate projects).

The final marketing / advertising budget and amount to be agreed upon and approved by the City.

- 2.) Fisher Auction Co., Inc. agrees to provide staffing for inspections the two weeks prior to the scheduled sale.
- 3.) Fisher Auction Co., Inc. shall advertise the sale for a period of five (5) to six (6) weeks. The sale will be scheduled and take place no earlier than forty five (45) days or as otherwise agreed and approved by the City of Miami Beach.
- 4.) Fisher Auction Co., Inc. agrees to conduct an open out cry Auction for the City owned property located at 2620 Biarritz Drive, **AS IS, WHERE IS**, without representations or warranties.
- 5.) All sales will be subject to City approval. In the event the City cancels the sale, the City agrees to reimburse Fisher Auction Co., Inc. reasonable and actual out-of-pocket marketing and advertising expenses (as defined in 1. above). The total reimbursement will not exceed twelve thousand, six hundred and eighty dollars (\$12,680.00). Payment to be made within thirty (30) days of receipt of complete line item breakdown with availability of backup invoices, etc.

A cancelled sale does not include withdrawal of the property due to an acceptable pre-auction offer. Should the City obtain an acceptable pre-auction offer, the City agrees to pay a commission to Fisher Auction Co.,

Inc as outlined in 6. below, plus the marketing and advertising expenses (as defined in 1. above).

- 6.) Commission paid at closing for a sale will be added on as a buyer's premium of six percent (6%) for the total purchase price and will be disbursed as follows:
- a) Three percent (3%) to procuring cause Brokers, if any.
 - b) Three percent (3%) to Fisher Auction Co., Inc. plus the marketing and advertising expenses (as defined in 1. above).
 - c) Should a Procuring Cause Broker not be involved, the three percent (3%) will go to the City of Miami Beach.

Please note that the Buyers get very involved in the Buyer Momentum Process and the Buyer's Premium often results in an overall much higher than anticipated Auction Sales Price. This is an internationally accepted method of Auction Sales and enhances our Sellers net results.

Fisher Auction Co., Inc. has utilized the Buyer's Premium successfully for most Real and Personal Property Auctions over the past eighteen years, throughout the Country, Mexico and Puerto Rico.

Alternative Option: Should the City elect to not utilize the Buyer's Premium concept, the six percent (6%) commissions would be paid by the City of Miami Beach with the division / allocation as represented above in item 6a., b. and c.

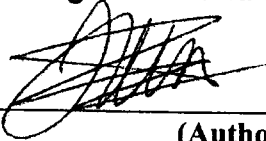
- 7.) Should the property not be sold through the auction process, Fisher Auction Co., Inc. will be compensated as follows:
- a) Fisher Auction Co., Inc. will be compensated for the marketing and advertising expenses (as defined in 1. above).
- 8.) The sale will be "all cash" at closing with no post contract due diligence period. The Purchase & Sale Agreement will be prepared on terms acceptable to the City of Miami Beach.

These represent the terms, which should be included in the contract to employ Auctioneer subject to City approval. Additionally, Fisher Auction Co., Inc. is prepared to enter into the type of agreement with attachments, e.g. Affidavit of Disinterestedness and No Conflict of Interest, posting of a bond as the City deems appropriate.

PROPOSER INFORMATION

Submitted by: _____
Proposer (Entity): Fisher Auction Co., Inc.
Signature: _____
Name (Typed): Louis B. Fisher, III, C.E.O.
Address: 2745 East Atlantic Boulevard
Suite 200
City/State: Pompano Beach, Florida 33062-4945
Telephone: 954.942.0917
Fax: 954.782.8143

It is understood and agreed by Proposer that the City reserves the right to reject any and all Proposals, to make awards on all items or any items according to the best interest of the City, and to waive any irregularities in the RFP or in the Proposals received as a result of the RFP. It is also understood and agreed by the Proposer that by submitting a proposal, Proposer shall be deemed to understand and agree that no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.



(Authorized Signature)

July 26, 2004

(Date)

Louis B. Fisher, III, C.E.O.

(Printed Name)

ACKNOWLEDGMENT OF ADDENDA

REQUEST FOR PROPOSALS NO. 30-03/04

Directions: Complete Part I or Part II, whichever applies.

Part I: Listed below are the dates of issue for each Addendum received in connection with this RFP:

Addendum No. 1, Dated July 16, 2004

Addendum No. 2, Dated _____

Addendum No. 3, Dated _____

Addendum No. 4, Dated _____

Addendum No. 5, Dated _____

Part II: _____ No addendum was received in connection with this RFP.

Verified with Procurement staff

Name of Staff Member

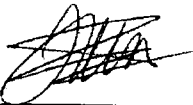
Date

Fisher Auction Co., Inc.

Proposer - Name

July 26, 2004

Date



Signature

DECLARATION

TO: Jorge M. Gonzalez
City Manager
City of Miami Beach, Florida

Submitted this 27th day of July, 2004.

The undersigned, as Proposer, declares that the only persons interested in this proposal are named herein; that no other person has any interest in this proposal or in the contract to which this proposal pertains; that this proposal is made without connection or arrangement with any other person; and that this proposal is in every respect fair and made in good faith, without collusion or fraud.

The Proposer agrees if this proposal is accepted, to execute an appropriate City of Miami Beach document for the purpose of establishing a formal contractual relationship between the Proposer and the City of Miami Beach, Florida, for the performance of all requirements to which the proposal pertains.

The Proposer states that this proposal is based upon the documents identified by the following number: RFP No. 30-03/04



SIGNATURE

Louis B. Fisher, III

PRINTED NAME

Chief Executive Officer

TITLE (IF CORPORATION)

QUESTIONNAIRE

Proposer's Name:

Fisher Auction Co., Inc.

Principal Office Address:

2745 East Atlantic Boulevard

Suite 200

Pompano Beach, Florida 33062-4945

Official Representative:

Louis B. Fisher, III, C.E.O.

Individual

Partnership (Circle One)

Corporation

If a Corporation, answer this:

When Incorporated:

1972

In what State:

Florida

If a Foreign Corporation:

**Date of Registration with
Florida Secretary of State:**

N/A

Name of Resident Agent:

Address of Resident Agent:

President's Name:

Vice-President's Name:

Treasurer's Name:

**Members of Board of
Directors:**

Questionnaire (continued)

If a Partnership:

Date of organization: _____

General or Limited Partners: _____

Name and Address of Each Partner:

NAME

ADDRESS

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

*** Designate general partners in a Limited Partnership**

1. **Number of years of relevant experience in operating similar business:** 37

2. **Have any similar agreements held by Proposer ever been canceled?**
Yes () No (x)

If yes, give details on a separate sheet.

3. **Has the Proposer or any principals of the applicant organization failed to qualify as a responsible Bidder, refused to enter into a contract after an award has been made, failed to complete a contract during the past five (5) years, or been declared to be in default in any contract in the last 5 years?** No

If yes, please explain: _____

Questionnaire (continued)

4. Has the Proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership? Yes () No (☒)

If yes, give date, court jurisdiction, action taken, and any other explanation deemed necessary on a separate sheet.

5. Person or persons interested in this bid and Qualification Form have () have not (☒) been convicted by a Federal, State, County, or Municipal Court of any violation of law, other than traffic violations. To include stockholders over ten percent (10%). (Strike out inappropriate words)

Explain any convictions: _____

6. Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest: No

A. List all pending lawsuits:

B. List all judgments from lawsuits in the last five (5) years:

C. List any criminal violations and/or convictions of the Proposer and/or any of its principals:

7. Conflicts of Interest. The following relationships are the only potential, actual, or perceived conflicts of interest in connection with this proposal: (If none, state same.)

None

Questionnaire (continued)

8. **Public Disclosure.** In order to determine whether the members of the Evaluation Committee for this Request for Proposals have any association or relationships which would constitute a conflict of interest, either actual or perceived, with any Proposer and/or individuals and entities comprising or representing such Proposer, and in an attempt to ensure full and complete disclosure regarding this contract, all Proposers are required to disclose all persons and entities who may be involved with this Proposal. This list shall include public relation firms, lawyers and lobbyists. The Procurement Division shall be notified in writing if any person or entity is added to this list after receipt of Proposals. (Use additional sheet if needed)

Louis B. Fisher, III

Lamar P. Fisher, Sr.

Andre LaBauve

Francis D. Santos

The Proposer understands that information contained in this Questionnaire will be relied upon by the City in awarding the proposed Agreement and such information is warranted by the Proposer to be true. The undersigned Proposer agrees to furnish such additional information, prior to acceptance of any proposal relating to the qualifications of the Proposer, as may be

required by the City Manager. The Proposer further understands that the information contained in this questionnaire may be confirmed through a background investigation conducted by the Miami Beach Police Department. By submitting this questionnaire the Proposer agrees to cooperate with this investigation, including but not necessarily limited to fingerprinting and providing information for credit check.

WITNESS:

IF INDIVIDUAL:

Signature

Signature

Print Name

Print Name

WITNESS:

Signature

Print Name

WITNESS:


Signature

LAMAR P. FISHER
Print Name

(CORPORATE SEAL)

Secretary

IF PARTNERSHIP:

Print Name of Firm

Address

By: _____
General Partner

Print Name

IF CORPORATION:

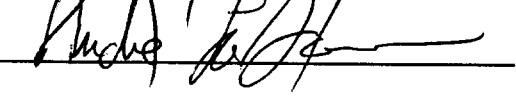
Fisher Auction Co., Inc.

Print Name of Corporation

2745 E. Atlantic Blvd., #200
Pompano Beach, FL 33062-4945

Address

By:  _____
President

Attest:  _____

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Authorizing The City Manager To Apply For And Accept/Support The Following Three (3) Grant Applications.

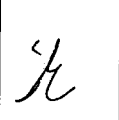
Issue:

Shall the City Apply And Accept/Support The Following Grants?

Item Summary/Recommendation:

The Administration Requests Approval To Authorize The City manager Or His Designee To Submit Grant Applications For The Following Funds: 1) Florida Recreation Development Assistance Program Funds In An Amount Not To Exceed \$200,000 For Renovations To Muss Park; 2) Florida Recreation Development Assistance Program Funds In An Amount Not To Exceed \$200,000 For Renovations To Normandy Park; And, 3) Retroactively To The State Of Florida Department Of Children And Families, Office Of Homelessness Funds In An Amount Not To Exceed \$36,000 For Funding For Homeless Prevention Activities; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Document Related To These Application

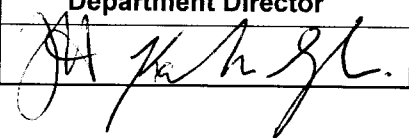
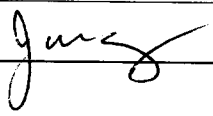
Financial Information:

| Source of Matching Funds: | Grant Name/Project | Grant Amount | Match Amount/Source |
|---|----------------------------------|--------------|--|
|  Finance Dept. | 1-FRDAP/Muss Park | \$200,000 | 1995 Parks Bond/GO Bond Funds Match Amount: \$200,000 |
| | 2-FRDAP/Normandy Park | \$200,000 | 1995 Parks Bond/GO Bond Funds Match Amount: \$200,000 |
| | 3- State ESG Homeless Prevention | \$36,000 | General Funds/MDC Homeless Trust/Resort Tax: \$440,000 |
| | | | |

City Clerk's Office Legislative Tracking:

Judy Hoanshelt, Grants Manager, Office of Budget and Performance Improvement

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---|------------------------|---|
|  | N/A |  |

AGENDA ITEM C7E
DATE 10-13-04

CITY OF MIAMI BEACH


CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager 

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT GRANT APPLICATIONS TO THE FOLLOWING FUNDING AGENCIES: 1) FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING IN AN AMOUNT NOT TO EXCEED \$200,000 FOR RENOVATIONS TO MUSS PARK; 2) FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING IN AN AMOUNT NOT TO EXCEED \$200,000 FOR RENOVATIONS TO NORMANDY PARK; AND, 3) RETROACTIVELY TO THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, OFFICE OF HOMELESSNESS FOR FUNDING IN AN AMOUNT NOT TO EXCEED \$36,000 FOR HOMELESS PREVENTION ACTIVITIES; WHILE LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS AS NEEDED; FURTHER APPROPRIATING THE GRANTS IF APPROVED AND ACCEPTED BY THE CITY AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENT RELATED TO THESE APPLICATIONS**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

- 1) Approval to submit a grant application to the State of Florida Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) for funding in an amount not to exceed \$200,000 for renovations to Muss Park.

The Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants to local government entities for acquisition and development of land for public outdoor recreation use. The Florida Department of Environmental Protection (DEP) administers the FRDAP program. FRDAP funds are distributed as reimbursement grants by the Departments, and, if awarded, grantees have three years in which to complete the project.

The City of Miami Beach proposes applying to FRDAP for funds to renovate Muss Park. The grant requires matching funds; the Administration proposes using 1995 Parks Bond funds and General Obligation Bond funds as a matching.

- 2) Approval to submit a grant application to the State of Florida Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) for funding in an amount not to exceed \$200,000 for renovations to Normandy Park.

The Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants to local government entities for acquisition and development of land for public outdoor recreation use. The Florida Department of Environmental Protection (DEP) administers the FRDAP program. FRDAP funds are distributed as reimbursement grants by the Departments, and, if awarded the grant, grantees have three years in which to complete the project.

The City of Miami Beach proposes applying to FRDAP for funding to renovate Normandy Park. The grant requires matching funds; the Administration proposes using 1995 Parks Bond funds and General Obligation Bond funds as a matching.

Pursuant to the grant regulations, each grantee may have a total of three (3) active projects.

- 3) Retroactive approval to submit a grant application to the State of Florida, Department of Children and Families, Office of Homelessness for funding in an amount not to exceed \$36,000 for homeless prevention activities

The Department of Children and Families through its Request for Proposal for Federal Emergency Shelter funds provides funding for organizations to improve the quality and quantity of services to homeless persons in the State of Florida through homeless prevention activities. These funds are available as a result of Federal Emergency Shelter Grant funds awarded to the State of Florida in 2004,

The City of Miami Beach is applying for funding in the amount of \$36,000 to provide emergency rent assistance to families and individuals at risk of homelessness, and to provide deposit funds to formerly homeless individuals transitioning from emergency shelter to permanent housing.

Matching funds will be provided by the City's General Fund, Miami-Dade County Homeless Trust funds and Resort Tax funding. The deadline for receipt of these proposals was September 23, 2004. The Administration is requesting retroactive approval for this grant submittal.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, authorize the City Manager or his designee to submit grant applications to the following funding agencies: 1) Florida Recreation Development Assistance Program for funding in an amount not to exceed \$200,000 for renovations to Muss Park; 2) Florida Recreation Development Assistance Program for funding in an amount not to exceed \$200,000 for renovations to Normandy Park; and, 3) retroactively to the State of Florida Department of Children and Families, Office of Homelessness for funding in an amount not to exceed \$36,000 for funding for homeless prevention activities; while leveraging previously appropriated City funds as needed; further appropriating the grants if approved and accepted by the City and authorizing the execution of all necessary document related to these applications.

JMG/KB/JH

T:\AGENDA\2004\Oct1304\Consent\grants memo.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT GRANT APPLICATIONS TO THE FOLLOWING FUNDING AGENCIES: 1) FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING, IN AN AMOUNT NOT TO EXCEED \$200,000, FOR RENOVATIONS TO MUSS PARK; 2) FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR FUNDING, IN AN AMOUNT NOT TO EXCEED \$200,000, FOR RENOVATIONS TO NORMANDY PARK; AND 3) RETROACTIVELY TO THE STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, OFFICE OF HOMELESSNESS FOR FUNDING, IN AN AMOUNT NOT TO EXCEED \$36,000, FOR FUNDING FOR HOMELESS PREVENTION ACTIVITIES; WHILE LEVERAGING PREVIOUSLY APPROPRIATED CITY FUNDS AS NEEDED; FURTHER APPROPRIATING THE GRANTS IF APPROVED AND ACCEPTED BY THE CITY AND AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS RELATED TO THESE APPLICATIONS

WHEREAS, the Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants to local government entities for acquisition and development of land for public outdoor recreation use, and The Florida Department of Environmental Protection (DEP) administers the FRDAP program; and

WHEREAS, grantees have three years in which to complete the project; and

WHEREAS, the City proposes applying to FRDAP for funding to renovate Muss Park; and

WHEREAS, the grant requires matching funds; the Administration proposes using 1995 Parks Bond funds and General Obligation Bond funds as a match; and

WHEREAS, the City proposes applying to FRDAP for funding to renovate Normandy Park; and

WHEREAS, the grant requires matching funds; the Administration proposes using 1995 Parks Bond funds and General Obligation Bond funds as a match; and

WHEREAS, pursuant to the grant regulations, each grantee may have a total of three (3) active projects; and

WHEREAS, the deadline for the FRDAP grant application submittals is November 12, 2004; and

WHEREAS, the Department of Children and Families, through its Request for Proposal for Federal Emergency Shelter funds, provides funding for organizations to improve the quality and quantity of services to homeless persons in the State of Florida through homeless prevention activities; and

WHEREAS, the City is applying for funding, in the amount of \$36,000, to provide emergency rent assistance to families and individuals at risk of homelessness; and

WHEREAS, matching funds will be provided by the City's General Fund, Miami-Dade County Homeless Trust funds and Resort Tax funding; and

WHEREAS, the deadline for receipt of these proposals was September 23, 2004, therefore, the Administration is requesting retroactive approval for this grant submittal.

NOW, THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH that the Mayor and City Commission hereby authorize the City Manager or his designee to submit grant applications to the following funding agencies: 1) Florida Recreation Development Assistance Program for funding, in an amount not to exceed \$200,000, for renovations to Muss Park; 2) Florida Recreation Development Assistance Program for funding, in an amount not to exceed \$200,000, for renovations to Normandy Park; and 3) retroactively to the State of Florida Department of Children and Families, Office of Homelessness for funding, in an amount not to exceed \$36,000 for funding for homeless prevention activities; while leveraging previously appropriated City funds as needed; further appropriating the grants if approved and accepted by the City and authorizing the execution of all necessary documents related to these applications.

PASSED and ADOPTED this _____ day of _____, 2004

ATTEST:

MAYOR

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

10-5-04
Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution approving the settlement of a City lien on real property at 3101 Indian Creek Drive, Unit 300, Miami Beach, Florida, resulting from Special Master Case No. JB00000526/Building Violation No. BV00000557 and providing that the lien in the amount of \$255,435.26 plus interest be settled for the amount of \$5,000.00.

Issue:

Shall the City settle the liens on real property at 3101 Indian Creek Drive, Unit 300 for \$5,000.00?

Item Summary/Recommendation:

The condominium complex at 3101 Indian Creek Drive has a total of 41 dwelling units. The property has liens pending in excess of \$1 million and is currently undergoing the process of securing compliance for all open violations such that a lien settlement may be pursued at some point in the future.

Among the outstanding liens is a specific lien attached only to Unit 300 in the complex in the amount of \$255,435.26. The specific lien attached only to Unit 300 results from a failure to obtain a building permit to replace an in-wall air conditioning unit in February 2000. Fines ran on the property for a period of approximately 3 ½ years resulting in the sizeable lien that is currently on the property.

The owner of Unit 300 is attempting to sell his unit thereby prompting the discussion of the lien. It is unclear how long the compliance efforts will take for the entire condominium building, therefore this lien settlement has been negotiated specifically for only Unit 300 with the understanding that there may be liability for some other lien amount in the future if a settlement is reached for the entire condominium complex.

The settlement amount negotiated with the seller and the prospective buyer is \$5,000.00. In light of the relatively minor nature of the infraction, the \$5,000.00 settlement amount was deemed to be a severe enough penalty when taken together with the time of non-compliance. Approval of the settlement is recommended.

Advisory Board Recommendation:

N/A

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|---|--------------|--------|---------|----------|
| <div style="border: 1px solid black; width: 80px; height: 40px; margin-bottom: 5px;"></div> Finance Dept. | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Robert C. Middaugh, Assistant City Manager

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|--------------|
| | | |

AGENDA ITEM C7F

DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY OWNED BY MR. MORRIS TABANNEJAD AT 3101 INDIAN CREEK DRIVE, UNIT 300, MIAMI BEACH, FLORIDA, RESULTING FROM SPECIAL MASTER CASE NO. JB00000526/ BUILDING VIOLATION NO. BV00000557 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF \$255,435.26 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$5,000.00.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The condominium complex at 3101 Indian Creek Drive has a total of 41 dwelling units. The property has liens pending in excess of \$1 million and is currently undergoing the process of securing compliance for all open violations such that a lien settlement may be pursued at some point in the future.

Among the outstanding liens is a specific lien attached only to Unit 300 in the complex at 3101 Indian Creek Drive in the amount of \$255,435.26. The specific lien attached to Unit 300 results from a failure to obtain a building permit to replace an in-wall air conditioning unit in February 2000. Fines ran on the property for a period of approximately 3 ½ years resulting in the sizeable lien that is currently on the property.

The owner of Unit 300 is attempting to sell his unit thereby prompting the discussion of the lien. It is unclear how long the compliance efforts will take for the entire condominium building, therefore this lien settlement has been negotiated specifically for only Unit 300 with the understanding that there may be liability for some other lien amount in the future if a settlement is reached for the entire condominium complex at 3101 Indian Creek Drive.

The sales contract for Unit 300 lists the condominium unit sale price at \$120,000.00 and an outstanding mortgage of approximately \$56,500.00, which with other expenses results in a net to the seller of approximately \$60,000.00.

The settlement amount negotiated with the seller of the condominium unit and the prospective buyer is \$5,000.00. In light of the relatively minor nature of the infraction, the

\$5,000.00 settlement amount was deemed to be a severe enough penalty when taken together with the time of non-compliance.

Both the buyer and seller of the condominium unit are aware of the settlement amount and have agreed to incorporate this into their transaction appropriately. Approval of the settlement is recommended.

JMG/RCM/sam

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT OF A CITY LIEN ON REAL PROPERTY OWNED BY MR. MORRIS TABANNEJAD AT 3101 INDIAN CREEK DRIVE, UNIT 300, MIAMI BEACH, FLORIDA, RESULTING FROM SPECIAL MASTER CASE NO. JB00000526/BUILDING VIOLATION NO. BV00000557 AND PROVIDING THAT THE LIEN IN THE AMOUNT OF \$255,435.26 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$5,000.00.

WHEREAS, the property at 3101 Indian Creek Drive, Unit 300 has accumulated fines as a result of a Special Master Order on a building violation (Special Master Case/Building Case No. JB00000526/BV00000557) in the amount of \$255,435.26 plus interest; and,

WHEREAS, this specific lien attached only to Unit 300 in the complex at 3101 Indian Creek Drive is for failure to obtain a building permit to replace an in-wall air conditioning unit in February 2000; and,

WHEREAS, the owner of Unit 300 is attempting to sell his unit thereby prompting the discussion of the lien; and,

WHEREAS, in light of the relatively minor nature of the infraction, the \$5,000.00 settlement amount was deemed to be a severe enough penalty when taken together with the time of non-compliance; and,

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that a settlement for an outstanding City lien at the property of 3101 Indian Creek Drive, Unit 300, in the amount of \$255,435.26 is hereby approved (Special Master Case No. JB00000526/Building Violation No. BV00000557, Recorded on August 11, 2001 at Book 19838, Page 1831 and Affidavit on Non-Compliance on August 11, 2001 at Book 19838 at Page 1832) upon payment of the sum of \$5,000.00 to the City of Miami Beach; and further that the City Manager shall be authorized to execute any and all necessary documents to complete such lien releases and settlement subject to the approval of the Special Master.

PASSED and ADOPTED this ____ day of _____, 2004.


Mayor David Demer

ATTEST:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

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City Attorney
210

10-6-04

Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY OWNED BY MR. JORGE V. ACEVEDO AT 7746 CARLYLE AVENUE RESULTING FROM SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970813/CPMV-47989 AND SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970462/ZV961778 PROVIDING THAT THE LIEN IN THE AMOUNT OF \$564,996.49 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$40,702.15.

Issue:

Shall the City settle the liens on real property at 7746 Carlyle Avenue for \$40,702.15?

Item Summary/Recommendation:

The property owner, Mr. Jorge V. Acevedo, lives outside the country and hired a management company, Bay Harbor Realty International, Inc., to manage the property. In 1996, the property was cited by Neighborhood Services Department, Code Compliance Division, for property maintenance violations such as missing and torn screens, exterior doors and frames not properly maintained, broken faucets and exterior walls not properly maintained. Additionally, a "For Sale" sign was placed on the property without a permit. Due to non-compliance, the cases were scheduled for the Special Master, and from 1997 to 2000, daily fines imposed by the Special Master accumulated to over \$564,996.49. The property owner complied with the sign violation in June 1999, and the property maintenance violations were corrected in November 2000.

In accordance with Florida Statute and department policy, all violation notices and the Special Master hearing information were sent to Bay Harbor Realty International, Inc. While legal notice was provided by the City, according to the realty company, an employee was not properly notifying the owner of the violations at 7746 Carlyle Avenue.


The property is currently in compliance with the above-mentioned violations. Miami-Dade County, Property Appraiser's Office has assessed the property at \$371,349.00. No additional monies are owed to the City and currently, there are no outstanding code compliance cases at this property.

Settlement of \$40,702.15 is recommended to recoup utility and resort tax amounts owed and a fine settlement.

Advisory Board Recommendation:

N/A

Financial Information:

| Source of Funds:  Finance Dept. | | Amount | Account | Approved |
|---|--------------|---------------|----------------|-----------------|
| | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Vivian P. Guzman, Director, Neighborhood Services Department

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|----------------------------|---|---|
| |  |  |

AGENDA ITEM C76

DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY OWNED BY MR. JORGE V. ACEVEDO AT 7746 CARLYLE AVENUE RESULTING FROM SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970813/CPMV-47989 AND SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970462/ZV961778 PROVIDING THAT THE LIEN IN THE AMOUNT OF \$564,996.49 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$40,702.15.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The property owner, Mr. Jorge V. Acevedo, lives outside the country and hired a management company, Bay Harbor Realty International, Inc., to manage his property located at 7746 Carlyle Avenue. In 1996, the property was cited by Neighborhood Services Department, Code Compliance Division, for property maintenance violations such as missing and torn screens, exterior doors and frames not properly maintained, broken faucets and exterior walls not properly maintained. Additionally, a "For Sale" sign was placed on the property without a permit. Due to non-compliance, the cases were scheduled for a Special Master hearing, and from 1997 to 2000, daily fines imposed by the Special Master accumulated to over \$564,996.49. The property owner complied with the sign violation in June 1999, and the property maintenance violations were corrected in November 2000.

In accordance with Florida Statute and department policy, all violation notices and the Special Master hearing information were sent to Bay Harbor Realty International, Inc. According to the realty company, an employee was signing the notices of violation and not properly notifying the owner of the violations at 7746 Carlyle Avenue. The realty company also accused the employee of embezzling rent money. The City did provide proper notice to the authorized agent.

The City initiated foreclosure action in order to collect the outstanding lien amount. At that point, the attorney for the property owner contacted the City in order to mitigate the lien amount.

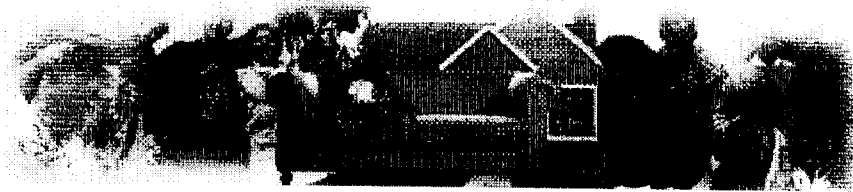
The property is currently in compliance with the above-mentioned violations. Currently, there are no outstanding code compliance cases at this property. An inspection conducted on September 30, 2004, revealed that the property does require minor property maintenance (slightly overgrown yard, fence needs repair and miscellaneous property maintenance repairs). The property owner's representative has agreed to correct the violations. A re-inspection will be conducted prior to the October 13, 2004 City Commissions meeting. The settlement request was submitted because the property owner is going to refinance the property. Miami-Dade County, Property Appraiser's Office has assessed the property at \$371,349.00.

The Administration has recently concluded settlement negotiations with the property owner's representative who has agreed to the settlement amount. The recommended settlement amount includes payment to the City of \$202.15 for outstanding utility bills, \$500.00 Resort Tax lien and \$40,000.00 to settle the code compliance lien cases. The Administration believes that this is a fair and equitable settlement given that the violations did not rise to the level of life-safety and the violations were corrected once the property owner was aware of the violations.

Attachments

JMG/RCM/VP

My Home



IV



Show Me:

Property Information

Search By:

Select Item

☐ Text only version

Summary Details:

| | |
|------------------|------------------------|
| Folio No.: | 02-3202-007-2210 |
| Property: | 7746 CARLYLE AVE |
| Mailing Address: | JORGE V ACEVEDO |
| | PO BOX 546945 SURFSIDE |
| | FL |
| | 33154-6945 |

Property Information:

| | |
|--------------------|---|
| Primary Zone: | 4000 RESIDENTIAL MULTI-FAMILY, MEDIUM DENSITY |
| CLUC: | 0003 MULTIFAMILY-APARTMENTS |
| Beds/Baths: | 6/6 |
| Floors: | 1 |
| Living Units: | 6 |
| Adj Sq Footage: | 2,706 |
| Lot Size: | 5,650 SQ FT |
| Year Built: | 1951 |
| Legal Description: | ALTOS DEL MAR NO 3 PB 8-41 LOT 12 BLK 26 LOT SIZE 50,000 X 113 OR 15917-3210 0593 1 |

Sale Information:

| | |
|--------------|------------|
| Sale O/R: | 15917-3210 |
| Sale Date: | 5/1993 |
| Sale Amount: | \$158,000 |

Assessment Information:

| | | |
|-------------------|-----------|-----------|
| Year: | 2004 | 2003 |
| Land Value: | \$253,120 | \$158,200 |
| Building Value: | \$118,229 | \$113,624 |
| Market Value: | \$371,349 | \$271,824 |
| Assessed Value: | \$371,349 | \$271,824 |
| Total Exemptions: | \$0 | \$0 |
| Taxable Value: | \$371,349 | \$271,824 |



Digital Orthophotography - March 2001

0 111 ft



We appreciate your feedback, please take a minute to complete our survey.

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[Home](#) | [Using Our Site](#) | [About](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

If you experience technical difficulties with the Property Information application, please click here to let us know.

E-mail your comments, questions and suggestions to Webmaster

Web Site
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CITY OF MIAMI BEACH

1700 CONVENTION CENTER DRIVE, MIAMI BEACH FL 33139-1824



Telephone (305) 673-7590

Facsimile (305) 604-2428

September 30, 2004

Property Address:

7746 CARLYLE AVE

RE: VIVIAN GUZMAN

STATEMENT# 3940 IB

PLATE # 10200

THIS IS TO CERTIFY THAT THE FOLLOWING MUNICIPAL LIENS OR ASSESSMENTS ARE DUE AND PAYABLE AGAINST:

LOT 12 BLK 26 ALTOS DEL MAR NO 3

Charge Type

1) UTILITY BILL:***

- a) Water
- b) Sewer
- c) Storm Water
- d) Waste Impact Fee

| Account Number | Service Period | Due Date | Current Amount Due | Delinquent Amount | Interest Due | County Fees | Total Due |
|--|----------------|-----------------------------------|--------------------|-------------------|--------------|-------------|--------------|
| 509909 | 08/30/04 | 10/18/04 | \$52.70 | | | | \$52.70 |
| | 08/30/04 | 10/18/04 | \$87.05 | | | | \$87.05 |
| | SEPT/04 | 10/18/04 | \$46.40 | | | | \$46.40 |
| | SEPT/04 | 10/18/04 | \$16.00 | | | | \$16.00 |
| This property has private Waste. | | | | | | | |
| | | | | | | | \$0.00 |
| 4) DEMOLITION & BOARDING-UP LIENS | | | | | | | \$0.00 |
| 5) RESORT TAX LIENS ** | **1494701 | 7746 CARLYLE APTS | | \$500.00 | | | \$500.00 |
| **PLEASE CALL | | | | | | | |
| 6) CITY BILLS | | | | | | | \$0.00 |
| 7) SPECIAL MASTER * | *JC970462 | JORGE ACEVEDO % BAY HARBOR REALTY | | \$150,099.61 | | | \$150,099.61 |
| | *JC970813 | JORGE ACEVEDO % BAY HARBOR REALTY | | \$414,194.73 | | | \$414,194.73 |
| 8) SPECIAL ASSESSMENT | | | | | | | \$0.00 |
| 9) PERMITS, CERTIFICATE OF USE, LICENSES | | | | | | | \$0.00 |
| 10) OTHER | | | | | | | \$0.00 |
| TOTAL AMOUNT DUE | | | | | | | \$564,996.49 |

* if needed call phone # (305) 673-7181

** if needed call phone # (305) 673-7447

ADDITIONAL BILLS MAY BE DUE FROM DATE OF LAST REGULAR READING TO DATE OF FINAL READING. ALL DELINQUENT CHARGES BEAR A PENALTY OF 10%. RECORDED LIENS BEAR INTEREST AT 12% PER ANNUM. UNPAID AND/OR DELINQUENT CHARGES TOGETHER WITH ALL PENALTIES IMPOSED THEREON, SHALL REMAIN AND CONSTITUTE SPECIAL ASSESSMENT LIENS AGAINST THE REAL PROPERTY.

I hereby certify that this Lien Statement is a true and accurate reflection (as of the date of this Lien Statement) of those Liens and /or City Bills (per the files of the City of Miami Beach Finance Department) due and owing the City of Miami Beach regarding the subject property.

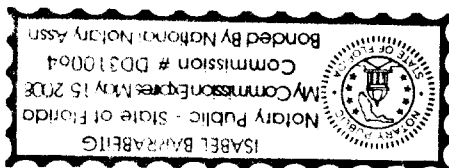
PATRICIA D. WALKER, CHIEF FINANCIAL OFFICER

BY

DEPUTY

SUBSCRIBED AND SWORN TO before me this 30 day of Sept, 2004.

ISABEL BARRABETG, NOTARY PUBLIC, STATE OF FLORIDA
DADE COUNTY



RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH APPROVING A SETTLEMENT REGARDING LIENS ON REAL PROPERTY OWNED BY MR. JORGE V. ACEVEDO AT 7746 CARLYLE AVENUE RESULTING FROM SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970813/CPMV-47989 AND SPECIAL MASTER CASE/CODE COMPLIANCE CASE NO. JC970462/ZV961778 PROVIDING THAT THE LIEN IN THE AMOUNT OF \$564,996.49 PLUS INTEREST BE SETTLED FOR THE AMOUNT OF \$40,702.15.

WHEREAS, the property at 7746 Carlyle Avenue has accumulated fines as a result of property maintenance violations (Special Master Case/Code Compliance Case No. JC970813/CPMV-47989) and an unpermitted sign (Special Master Case/Code Compliance Case No. JC970462/ZV961778) in the amount of \$564,996.49 plus interest as a result of the orders entered by the Special Master and other City related bills; and,

WHEREAS, the property owner lives outside of the United States and was relying on the management company, Bay Harbor Realty International, Inc. to collect the rent and maintain the property in accordance with standards and Code of City of Miami Beach; and,

WHEREAS, an employee of Bay Harbor Realty International Inc., was collecting rents and signing for the notices of violations and not properly processing them causing the violations to go uncorrected and subsequent Special Master fines to accumulate; and,

WHEREAS, the Administration seeks to reduce the inflated liens to an amount that is reasonable and can be collected; and

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that a settlement amount for outstanding City liens at the property of 7746 Carlyle Avenue in the amount of \$564,996.49 is hereby approved (Special Master Case No. JC970813 and JC970462) upon payment of the sum of \$40,702.15, by Jorge Acevedo to the City of Miami Beach; and further that the City Manager shall be authorized to execute any and all necessary documents to complete such lien releases and settlement subject to the approval of the Special Master.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2004.

ATTEST:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

Mayor David Dermer



City Attorney

10-5-04

Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution authorizing an amendment to the interlocal agreement between the City of Miami Beach and Miami-Dade County that will allow Miami Beach Parking Enforcement Specialists I and II to enforce provisions of the Miami-Dade code regarding "For Hire" vehicles.

Issue:

Shall the City of Miami Beach execute an amendment to the interlocal agreement with Miami-Dade County that will give enforcement authority to Miami Beach Parking Enforcement Specialists I and II regarding "For Hire" vehicles?

Item Summary/Recommendation:

The Administration recommends the adoption of this resolution which will allow Miami Beach Parking Enforcement Specialists I and II to enforce the Miami-Dade code regarding "For Hire" vehicles. Currently, these provisions are being enforced by County and the City's Police Department. The regulations governing "For Hire" vehicles include advertising or permitting operations without a valid, current for-hire license, having a valid operating permit displayed, and having valid and sufficient insurance coverage amongst other regulations. 14 Miami Beach police officers assigned to the Accident Investigations Unit and Motor Squad enforce the County regulations. The interlocal agreement also provides that the County will receive 25% of all fines collected to defray administrative costs for processing, hearings, etc.; the City of Miami Beach will receive 75% of all fines collected per annum in one lump sum.

Advisory Board Recommendation:

The Transportation and Parking Committee endorsed this recommendation.

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

| | Amount | Account | Approved |
|--------------|--------|---------|----------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| Total | | | |

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|--------------|
| <i>sk</i> | <i>gpc</i> | <i>Jung</i> |

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Agenda Item C7H
Date 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY, FLORIDA, PERMITTING MIAMI BEACH PARKING ENFORCEMENT SPECIALISTS I AND II TO ENFORCE PROVISIONS OF THE MIAMI-DADE COUNTY CODE, SPECIFICALLY REGARDING VEHICLES FOR HIRE REGULATIONS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Under the provisions of the Miami-Dade County Code, Section 8CC, officials and inspectors of municipalities may participate in enforcing the civil violations of the Miami-Dade County Code. In order to participate, the City must enter into an Interlocal Agreement with Miami-Dade County.

On May 8, 2002, the Mayor and City Commission approved Resolution No. 2002-24846, approving an Interlocal Agreement between the City and County. This Interlocal Agreement permits Miami Beach Police Officers to enforce the provisions of the County Code regarding the regulations governing "For-Hire" vehicles. At present, the Miami Beach Police Department has assumed this responsibility. The Police Department has 14 police officers assigned to its Accident Investigations Unit and Motor Squad, and utilizes these officers to enforce the county regulations. This extra assignment will in no way detract from the officer's regularly assigned duties; however, in order to further increase effectiveness and efficiencies of this enforcement effort, the Administration recommends the inclusion of the City's Parking Enforcement Specialists I and II into this enforcement effort. In order to achieve this, the Interlocal Agreement between the City and Miami-Dade County must be amended to include them. Once the City has approved the inclusion of Parking Enforcement Specialists, the County will administratively include them in this initiative.

The provisions of Miami-Dade County Code 8CC, provide the regulations that govern vehicles used "For-Hire". These regulations include advertising or permitting operations

*Commission Memorandum
For-Hire Vehicle Enforcement/Interlocal Agreement Amendment
October 13, 2004*

without a valid, current for-hire license, permitting or authorizing any chauffeur or other person to operate any for-hire vehicle without the vehicle's current valid operating permit displayed, and allowing or permitting any person to operate a for-hire vehicle without current, valid and sufficient insurance coverage.

The Interlocal Agreement is currently in its final one-year term which will expire on May 7, 2005. The Administration intends to potentially identify additional City personnel that may also enforce the County's For-Hire vehicle regulations and provide said recommendations, including a recommendation for renewal of the current agreement in May 2005. For informational purposes, the Interlocal Agreement stipulates that the County receives 25% of all fines collected to defray administrative costs for processing, hearings, etc. and the City receives 75% of all fines collected and is reimbursed by the County annually in a lump sum.

CONCLUSION

This amendment to the Interlocal Agreement will permit Miami Beach Parking Enforcement Specialists I and II to enforce the County ordinances regarding For-Hire vehicles. This will also provide the City with revenues from the fines collected by the enforcement efforts.

JMG/DD/CMC/JDC/SF

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received
9/14/2004

DIRECTOR'S OFFICE
140 WEST FLAGLER STREET
SUITE 903
MIAMI, FLORIDA 33130-1561

Tel: (305) 375-1250

Fax: (305) 372-6308

E-mail: consumer@miamidade.gov

September 8, 2004

Mr. Raul J. Aguila
First Assistant County Attorney
City of Miami Beach
1700 Convention Center Drive, Fourth Floor
Miami Beach, FL 33139

Re: Interlocal Agreement between Miami-Dade County and City of Miami Beach relating to the enforcement of for-hire regulations

Dear Mr. Aguila:

Thank you for your letter of August 26, 2004, regarding the above subject.

We met earlier this year with Police Major John Di Censo and Eric Wardle, City of Miami Beach Parking Department, to discuss the possibility of extending the existing Interlocal Agreement to the City's Parking Enforcement Officers. A pilot program was agreed to that would involve an limited number of Parking Enforcement Officers, particularly at night, provided the Enforcement Officers received the proper training and certification.

While this could be accomplished in the renewal that will take place next year, it is my understanding that your Parking Department wishes to make the change during the existing term. At our meeting, we noted that the language of the Interlocal Agreement is sufficiently broad for the Consumer Services Department to accept these Enforcement Officers; however, the City of Miami Beach resolution approving the Interlocal Agreement limited the City's participation to Police Officers. Once we receive official confirmation that Parking Department Enforcement Officers are authorized by the City to participate, we can administratively add them.

The Interlocal Agreement augments our daily enforcement activities within the City. We look forward to continuing the excellent relationship we have with the City of Miami Beach Police and Parking Departments with regard to for-hire issues. Please don't hesitate to let me know if you need additional information.

Sincerely,

Cathy Grimes Peel
Director

Attachment

c: Saul Frances, Parking Director
John Di Censo, Police Division Major
Joe Mora, Director, Passenger Transportation Regulatory Division
Eric Wardle, Jr., Parking Operations Manager

CONSUMER SERVICES DEPARTMENT

140 W. FLAGLER STREET SUITE 903 MIAMI, FLORIDA 33130-1561 TEL (305) 375-1250 FAX (305) 372-6308
www.miamidade.gov

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA APPROVING AND AUTHORIZING THE CITY MANAGER, TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND MIAMI-DADE COUNTY, FLORIDA, DATED MAY 7, 2003; SAID AMENDMENT PERMITTING MIAMI BEACH PARKING ENFORCEMENT SPECIALISTS I AND II TO ENFORCE PROVISIONS OF THE MIAMI-DADE COUNTY CODE; SPECIFICALLY, REGARDING VEHICLES FOR HIRE REGULATIONS.

WHEREAS, on May 8, 2002, the Mayor and City Commission approved Resolution No. 2002-24846, authorizing the Mayor and City Clerk to execute an Interlocal Agreement with Miami-Dade County which permits Miami Beach Police Officers to enforce provisions of the Miami-Dade County Code; specifically, regarding vehicle for hire regulations; and

WHEREAS, the Code of Miami-Dade County, Florida permits the officials and inspectors of municipalities to participate in the enforcement of violations of the County Code; and

WHEREAS, accordingly, the City of Miami Beach wishes to also permit its Parking Enforcement Specialists I and II to enforce provisions of the Miami-Dade County Code; specifically, regarding vehicles for hire; and

WHEREAS, in order for Miami Beach Parking Enforcement Specialists I and II to participate in this enforcement, the City and the County must amend the existing Interlocal Agreement to reflect this amendment; and

WHEREAS, the Miami Beach Parking Department has agreed to assume the responsibility for the enforcement of the County Code regulations regarding for-hire vehicles; and

WHEREAS, Miami-Dade County has agreed to amend the Interlocal Agreement with the City for this purpose; and

WHEREAS, the Interlocal Agreement will become effective the day it is executed and will be for a term of one year, with an option to renew for two additional years, and the City will receive 75% of all fines collected, and the County will retain 25% of all fees collected to defray administrative costs.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, approving and authorizing the City Manager, to execute an amendment to the Interlocal Agreement between the City and Miami-Dade County, Florida, permitting Miami Beach Parking Enforcement Specialists I and II to enforce provisions of the Miami-Dade County Code; specifically, regarding vehicles for hire regulations.

PASSED and **ADOPTED** this _____ day of October, 2004.

MAYOR

ATTEST:

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

CITY CLERK

M. H. Delahanty 10-6-04
City Attorney Date

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Declaration of an emergency parking situation during the specified dates of the respective events outlined below to be utilized for valet parking and self-parking. The Administration further recommends authorizing the City Manager to require parking operators to secure the appropriate insurance and Occupational Licenses required by the City Code to operate self-parking and/or valet parking operations for this purpose.

Issue:

Whether to declare an emergency parking situation during specified dates outlined below for vacant lots, as specified below, to be utilized for valet parking and self- parking.

Item Summary/Recommendation:

During some weekends throughout the year, severe parking demand leads to mobility problems and ultimately gridlock on our City's roadway system. This fact has been experienced during Boat Show, Memorial Day Weekend, and New Year's Eve. The creation of additional parking opportunities for visitors to the City during high impact events, coupled with an enhanced (Electrowave) circulator program (park-and-ride services) alleviates the mobility problems and gridlock anticipated during these event weekends. The following is a listing of the events and their respective anticipated emergency dates.

| Event | Dates | Vacant Surface Lots |
|--------------------------|------------------|----------------------------|
| South Florida Auto Show | Nov. 5-14, 2004 | Citywide |
| Art Basel | Dec. 1-5, 2004 | Citywide |
| New Year's Eve Event | Dec. 31, 2004 | Citywide |
| Art Miami | Jan. 6-10, 2005 | Citywide |
| Art Deco Weekend | Jan. 14-16, 2005 | Citywide |
| Graphics of the Americas | Feb. 4-6, 2005 | Citywide |
| NMMA Boat Show | Feb. 17-21, 2005 | Citywide |
| Memorial Day Weekend | May 27-30, 2005 | Citywide |
| Labor Day Weekend | Sept. 2-5, 2005 | Citywide |

THE ADMINISTRATION RECOMMENDS THE ADOPTION OF THE RESOLUTION.

Advisory Board Recommendation:

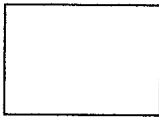
Transportation and Parking Committee endorsed the item on October 4, 2004.

Financial Information:

Amount to be expended:

N/A

Source of Funds:



Finance Dept.

| | Amount | Account | Approved |
|--------------|---------------|----------------|-----------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| Total | | | |

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|----------------------------|-------------------------------|---------------------|
| SF <u>88</u> | CMC <u>gll</u> | JMG <u>gll</u> |

Agenda Item C7I
Date 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DECLARING A CITYWIDE PARKING EMERGENCY ON THE FOLLOWING RESPECTIVE DATES FOR THE FOLLOWING RESPECTIVE EVENTS; NOVEMBER 5-14, 2004 FOR THE SOUTH FLORIDA AUTO SHOW; DECEMBER 1-5, 2004 FOR ART BASEL; DECEMBER 31, 2004 FOR NEW YEAR'S EVE EVENT; JANUARY 6-10, 2005 FOR ART MIAMI; JANUARY 14-16, 2005 FOR ART DECO WEEKEND; FEBRUARY 4-6, 2005 FOR GRAPHICS OF THE AMERICAS; FEBRUARY 17-21, 2005 FOR THE NMMA MIAMI INTERNATIONAL BOAT SHOW; MAY 27-30, 2005 FOR MEMORIAL DAY WEEKEND; SEPTEMBER 2-5, 2005; ALLOWING FOR THE USE OF SPECIFIED VACANT SURFACE LOTS CITYWIDE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The City of Miami Beach has experienced parking shortages during major events such as the Pavarotti Concert, NFL Weekend, Boat Show, Graphics of the Americas, Memorial Day Weekend, Art Deco Weekend, and Auto Show. There are various annual and one-time special events scheduled on Miami Beach and the Administration has determined that there will be a severe parking shortage for a number of these events.

ANALYSIS

During some weekends throughout the year, severe parking demand leads to mobility problems and ultimately gridlock on our City's roadway system. This fact has been experienced during Boat Show, Memorial Day Weekend, and New Year's Eve. The creation of additional parking opportunities for visitors to the City during high impact events, coupled with an enhanced Electrowave circulator program (park-and-ride services) alleviates the mobility problems and gridlock anticipated during these event weekends. The following is a listing of the events and their respective anticipated emergency dates.

| Event | Dates | Vacant Surface Lots |
|------------------------------------|------------------|----------------------------|
| South Florida Auto Show | Nov. 5-11, 2004 | Citywide |
| Art Basel | Dec. 1-5, 2004 | Citywide |
| New Year's Eve Event | Dec. 31, 2004 | Citywide |
| Art Miami | Jan. 6-10, 2005 | Citywide |
| Art Deco Weekend | Jan 14-16, 2005 | Citywide |
| Graphics of the Americas | Feb. 4-6, 2005 | Citywide |
| NMMA Miami International Boat Show | Feb. 17-21, 2005 | Citywide |
| Memorial Day Weekend | May 27-30, 2005 | Citywide |
| Labor Day Weekend | Sept. 2-5, 2005 | Citywide |

CONCLUSION

The Mayor and City Commission should declare an emergency parking situation during the specified dates of the respective events outlined above to be utilized for valet parking and self-parking. The Administration further requests that the Mayor and City Commission authorize the City Manager to require parking operators to secure the appropriate insurance and Occupational Licenses required by the City Code to operate self-parking and/or valet parking operations for this purpose.

epk *Sh*
JMG/CMC/SF

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RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Retroactively approve the final two (2) year option for renewal with APCOA/Standard Parking, commencing on August 28, 2004 and expiring on August 27, 2006, for parking meter collection services and amend the Agreement to include additional provisions.

Issue:

Should the final two (2) year option for renewal with APCOA/Standard Parking for parking meter collection services be retroactively approved commencing on August 28, 2004 and expiring on August 27, 2006; and should the Agreement be amended to include additional provisions?

Item Summary/Recommendation:

APCOA/Standard Parking has satisfactorily provided parking meter collection services according to the terms and conditions of the professional services agreement. Moreover, Standard has agreed to institute various audit controls recommended by the City to further safeguard City funds as well as their own operations.

The Administration recommends the adoption of the Resolution.

Advisory Board Recommendation:

Endorsed by the Transportation and Parking Committee on October 4, 2004.

City Clerk's Office Legislative Tracking:

Saul Frances

Financial Information:

Amount to be expended:

Source of Funds:



Finance Dept.

| | Amount | Account | Approved |
|--------------|------------------|--|----------|
| 1 | \$260,000 | Funds are available from Parking Enterprise Fund Account No. 480.0463.000312 | |
| 2 | | | |
| 3 | | | |
| Total | \$260,000 | | |

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|----------------------|
| SF _____ | CMC <i>CMC</i> _____ | JMG <i>JMG</i> _____ |

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AGENDA ITEM

C7J

DATE

10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RETROACTIVELY APPROVING THE FINAL TWO-YEAR OPTION OF THE PROFESSIONAL SERVICES AGREEMENT WITH APCOA/STANDARD PARKING FOR PARKING METER COLLECTION SERVICES, COMMENCING ON AUGUST 28, 2004 AND EXPIRING ON AUGUST 27, 2006; AND AMENDING THE AGREEMENT TO INCLUDE ADDITIONAL PROVISIONS.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funds are available in Parking Enterprise Fund # 480-0463-000312 - \$260,000

ANALYSIS

APCOA/Standard - VIP's Parking Systems "Standard" has provided parking meter collection services for the City's Parking System since August 28, 2001. The initial three year term expired on August 27, 2004. A final two-year term is available at the City's sole discretion. The City may avail itself of this option or approve a month-to-month extension in order to competitively bid these services.

The Administration recommends a retroactive approval, effective August 28, 2004, exercising the final two-year option available in the professional services agreement with Standard. The City has incorporated and Standard has agreed to various additional audit controls for parking meter collection services that are highlighted later in this document.

Standard has satisfactorily performed the duties outlined within the Agreement. The following are excerpts of the general provisions of the Agreement:

General Provisions:

- Standard Parking Personnel shall be unarmed at all times while engaged in the collection of and transportation of parking meter revenue.
- Standard Parking shall collect coins from parking meters on routes and schedules provided by the Parking Director of the City of Miami Beach, or designee.

- Route schedules and collection frequencies may change periodically, as required by normal meter installations and removal and/or rate changes, or when the Parking Director requests a segregated revenue rate test or special collection.
- Standard Parking shall provide secure and safeguarded vehicles. A minimum of three collection vehicles will be supplied and additional vehicles will be provided as needed to perform collection and collection supervision services.
- Each vehicle will be equipped in accordance with the following specifications and with maximum security systems, "maximum security systems" will include, but will not be limited to:
 - (1) electronic vehicle tracking system (Lo-Jack, Tele-Trac, or equivalent);
 - (2) alarm system with sirens covering all entry points including an ignition kill and fuel shut-off;
 - (3) interior steel cages to enclose, keep upright, and distinguish full and empty coin canisters, including an individual slot for each coin collection canister that can be locked in an angle iron compartment independently of each of the other coin collection canisters, and;
 - (4) enclosed vehicles to keep contents from public view.
 - a. The solid bulkhead separating the driver from the back compartment of the vehicle van must have an opening that would permit the driver to have a clear view of the back compartment.
 - b. A drop safe for equipment must be installed on the passenger side of the bulkhead.
 - c. Each vehicle must be equipped with a hinged, spring activated padded bench that would be held down when a collector is seated. A series of safety belts must be provided for the safety of the Standard Parking personnel.
 - d. Each vehicle must be equipped with a method of air conditioning in the rear compartment.
 - e. All vehicles must be unmarked.
 - f. All doors are to lock automatically when closed and be equipped with an alarm system as specified above.
 - g. Standard Parking shall employ all of the personnel safety procedures and/or devices necessary to transport coin safely from parking meters to any place within the City of Miami Beach for the purpose of counting, storing, depositing, or any combination thereof.
 - h. Each vehicle operator will be equipped with a cellular telephone or radio to provide communication from one operator to another operator and to a City of Miami Beach designee.

Standard Parking shall provide the number of vehicles necessary to complete each days scheduled collections and transportation of the collected and/or counted coins.

Each Standard Parking vehicle shall have a minimum of two (2) Standard Parking personnel, in uniform with a photograph identification. Standard Parking's personnel will wear identification tags, provided by the City of Miami Beach, at all times while collecting coins and delivering the collected or counted coins. One Supervisor will remain in radio contact with the Parking Department designee during collection periods.

Zone Assignments:

Zone assignments shall be issued daily at the Parking Department at the time the collection equipment is issued. Wheeled carts for collection are to be provided by the City of Miami Beach Parking Department and are to be returned at the close of each day's regular collection.

Transporting of Funds:

All funds collected will be transported to the coin processing facility for consolidation. Coins to be consolidated shall be counted by City personnel and then, at the option of the City, delivered by the Standard Parking to a designated Miami Beach depository **no later than the first business day following the collection by Standard Parking.**

Coin Responsibilities:

Standard Parking shall be totally responsible for the security of all collected and counted coins while in their custody and care.

City of Miami Beach Employees:

The Standard Parking agrees not to hire any City employee as a part-time or full-time employee that would participate and/or be associated with the services outlined herein in providing parking meter collections services to the City of Miami Beach.

Supervision:

The City of Miami Beach Parking Department shall have the right to have its personnel, as deemed appropriate, at the sole discretion of the Parking Director, to closely monitor Standard Parking for any and all security reasons.

Standard Parking shall provide an On-Site Supervisor, at all times, when Collection Services are being provided. The On-Site Supervisor shall coordinate all duties, functions, and respond to all inquiries, as required, with City of Miami Beach Parking Director, or its designee.

Additional Provisions (Enhancements):

Standard has agreed to enhance audit controls in a continued effort to safeguard city funds as well as their operations. The following are examples of the enhanced audit controls to be implemented:

- Periodic and consistent rotation of collection assignments for all Standard personnel at the City's discretion and direction.
- Assignment of zones and/or collection routes to Standard personnel at the City's discretion.
- Standard will conduct periodic audits, approved by the City, to ensure the integrity of

the collection system and procedure.

- Standard personnel lunch and/or rest periods must be scheduled and approved daily by the City.
- No Standard personnel may conduct parking meter collection functions for more than twelve (12) consecutive months.
- The City reserves the right, at its sole discretion, to have any and all personnel removed from the contract.

CONCLUSION

The Administration recommends that the Mayor and Commission retroactively approve the final two-year option of the professional services agreement with APCOA/Standard for parking meter collections services, said agreement commencing August 28, 2004 and expiring August 27, 2006; and amend the Agreement to include aforementioned additional provisions.

JMG/CMC/SF

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RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Authorizing the Issuance of Request for Qualifications (RFQ) No. 40-03/04 to Conduct an Analysis to Determine the Most Effective Personnel Staffing Level; Deployment, Evaluate Existing Policies Governing Overtime, Off-duty, and Secondary Employment for the Miami Beach Police Department (MBPD).

Issue:

Shall the City Commission Authorize the Issuance of an RFQ?

Item Summary/Recommendation:

Miami Beach is a vibrant area for entertainment in South Florida with the proliferation of night clubs, ethnic restaurants, and recurring major events. The City has manifested itself in a steady greater workforce for police officers and sergeants with significant increases in arrests, calls for service especially in the evening hours and a growing number of requests for police personnel to work in an off-duty capacity. As a result of this increase in workload, police officers and sergeants have expressed their discontent that they are overburdened, and understaffed. This situation coupled with the MBPD's proactive management approach to effective community oriented policing, has presented an excellent and timely opportunity for an outside experienced consultant to review and make specific recommendations for practical solutions to our existing policies and procedures governing: 1. scheduling shifts, days off, shift bid process; 2. personnel deployment, to include effective staffing during peak periods of activity; and 3. overtime usage, off-duty and secondary employment relative to the number of hours worked and length off assignments.

The Scope of Services to be provided by the consultant includes but it is not limited to the following:


- Conducting management and operational reviews of relevant Department policies and procedures;
- Review the current operating environment;
- Identify the best practices of other police departments around the country;
- Recommend policies regarding appropriate levels and conditions for use of patrol overtime, off-duty, and secondary employment;
- Implement or calibrate a police optimization model for the City that incorporates recommended policies, flexible enough for changing operating conditions;
- Design an effective and cost efficient comprehensive plan for deploying the required number of patrol officers and supervisors;
- Assess the impact on proposed changes including police community relations, cost impact, and other support requirements;

AUTHORIZE ISSUANCE OF RFQ.

Advisory Board Recommendation:

N/A

Financial Information:

| Source of Funds:  Finance Dept. | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Gus Lopez, extension 6641 *gl*

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|------------------------|
| MG _____ | DD _____ | JMG <i>[Signature]</i> |

AGENDA ITEM C7K

DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS (RFQ) TO CONDUCT AN ANALYSIS TO DETERMINE THE MOST EFFECTIVE PERSONNEL STAFFING LEVELS, DEPLOYMENT, AND EVALUATE EXISTING POLICIES GOVERNING OVERTIME, OFF-DUTY AND SECONDARY EMPLOYMENT FOR THE MIAMI BEACH POLICE DEPARTMENT.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City of Miami Beach (the City) seeks to hire a consultant to conduct an analysis to determine the most effective Police Department personnel staffing levels, deployment and evaluate existing policies governing overtime usage and off-duty hours. The study should have distinct recommendations for interventions to alleviate areas of concern and optimize the utilization of personnel resources.

The tremendous popularity of the City of Miami Beach as a premier tourist destination has manifested itself in significant increases in arrests, calls for service, and a growing number of requests for police personnel to work in an off-duty capacity. As a result of the increasing demands for calls for service and the many opportunities for police officers to perform police services in an off-duty capacity or overtime basis at various City sponsored events; police officers have complained publicly of being unduly overburdened. Police officers and sergeants have expressed their discontent that the Department is understaffed relative to not having enough police officers on the street to respond to calls for service. This situation coupled with Miami Beach Police Department's proactive management approach to effective community oriented policing has presented an excellent and timely opportunity for an outside consultant to review and make specific recommendations for practical solutions to our existing policies and procedures.

All these parameters (i.e. assessment of workload measures such as calls for service, case investigation workload) in addition to deployment, scheduling, and policies governing the number of hours worked either in overtime or off-duty must be scrutinized to obtain an accurate and objective determination as to whether staffing levels are sufficient and effectively deployed. As such, The City of Miami Beach intends to award a contract for consulting services on staffing optimization the Miami Beach Police Department.

The goal for this contract is for the consultant to provide relevant and realistic recommendations on how to most effectively utilize Miami Beach Police Department resources, while maintaining and improving police services. The consultant will work closely with a committee to be comprised of representatives from command staff, rank and file, the Fraternal Order of Police, the Office of Budget and Performance Improvement, and Labor Relations to explore concerns, develop and test solutions. The consultant should develop practical and affordable solutions that are fair, impartial, humane and efficient and ensure that priority is given to the service delivered by the City to its residents and businesses. The terms of the contract are subject to negotiation, and City desires that Respondents recommend best practices for incorporation into the program. The scope of services will include the following:

- Conducting management and operational reviews of relevant Department policies and procedures;
- Review the current operating environment including:
arrests, calls for service, requests for police personnel to work in an off-duty capacity at various commercial establishments, a significant number of major events and traffic control at road construction sites;
- current schedules; and regular and overtime staffing levels;
the frequency of patrol overtime, and off-duty and secondary employment.
- Identify best practices of other police departments around the Country and discuss methods used successfully as well as pitfalls that they have encountered in implementing specific policies and practices relative to identified concerns.
- Recommend policies regarding appropriate levels and conditions for use of patrol overtime, off-duty, and secondary employment.
- Implement or calibrate a police staffing optimization model for the City that incorporates recommended policies and is able to respond to changing operating conditions in the future and utilize the model with existing conditions to:
- Develop schedules for assigning required staffing most productively and equitably;
- Determine the number of field patrol officers and supervisors required to enable the Department to: respond to emergency and non-emergency demands of citizens in a timely manner, conduct prevention and other proactive patrol tasks effectively including community-oriented policing and problem solving; conduct all other patrol tasks effectively, including traffic control and special missions work; allow officers to meet all administrative requirements satisfactorily, including report writing, training, court obligations; ensure the safety of the public and the police officers;
- Design a plan for deploying the required number of patrol officers and supervisors most cost effectively, by shift and patrol area, in response to geographic incidence of crime, demands for non-crime services, and policing approach selected by the Department; and
- Assess the impact on proposed changes including police community relations, cost impacts, other support requirements.

It is desirable that the results of the study be available within a timeframe sufficient to allow incorporation into the Department's proposed budget submission for Fiscal Year 2005-2006, anticipated for Spring 2005.

CONCLUSION

It is recommended that the Mayor and City Commission adopt this Resolution which authorizes the issuance of an RFQ to conduct an analysis to determine the most effective personnel staffing levels and deployment, and evaluate existing policies governing overtime, off-duty, and secondary employment for the Miami Beach Police Department.

JMG/DD/PS/GL/MG

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING THE MIAMI BEACH POLICE DEPARTMENT TO ISSUE A REQUEST FOR QUALIFICATIONS TO HIRE A CONSULTANT TO CONDUCT AN ANALYSIS TO DETERMINE THE MOST EFFECTIVE PERSONNEL STAFFING LEVELS AND DEPLOYMENT, AND TO EVALUATE EXISTING POLICIES GOVERNING OVERTIME, OFF-DUTY AND SECONDARY EMPLOYMENT FOR THE MIAMI BEACH POLICE DEPARTMENT.

WHEREAS, it is the primary mission of the Miami Beach Police Department (MBPD) to provide professional and effective police service to the residents and visitors of the City of Miami Beach, and address any labor and management concerns; and

WHEREAS, because of the increasing workload placed upon the MBPD, there is a consensus that police officers and sergeants perceive they are overburdened and understaffed relative to the number of police officers in uniform patrol; and

WHEREAS, this situation, coupled with the MBPD's proactive management approach to effective community oriented policing, has identified an excellent and timely opportunity for an outside consultant to review our Department's staffing levels, scheduling, deployment and policies governing overtime, off-duty work, secondary employment; and

WHEREAS, in order to facilitate this process, it is recommended that a professional consultant, with the appropriate experience and background, conduct an analysis to determine the most effective personnel staffing levels and deployment, and to evaluate existing policies governing overtime, off-duty and secondary employment for the Miami Beach Police Department; and

WHEREAS, the procedure for the selection of the consultant or vendor, response, implementation and evaluation are fully described in the Request For Qualifications; and

WHEREAS, the Administration recommends the issuance of RFQ No. 40-03/04.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission of Miami Beach, Florida, authorize the issuance of Request For Qualifications No. 40-03/04 to conduct an analysis to determine the most effective personnel staffing levels and deployment, and to evaluate existing policies governing overtime, off-duty and secondary employment for the Miami Beach Police Department.

PASSED and ADOPTED this _____ day of _____ 2004.


ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

F:\atto\DATR\Police Department\police-reso re RFQ 40-0304.doc



City Attorney

10-7-04
Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution to schedule a public hearing to consider an after-the-fact Revocable Permit request to retain a masonry fence wall at 320 South Coconut Lane.

Issue:

Shall a Public Hearing be scheduled for November 10, 2004?

Item Summary/Recommendation:

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a Revocable Permit application, the City Commission shall schedule a public hearing to consider the request for use of the public right-of-way.

Mr. Doron Valero, owner of the property located at 320 South Coconut Lane, is constructing a house on this property and has requested an after-the-fact revocable permit from the City to retain a masonry fence wall constructed within the the public right-of-way.


The contractor was notified by the City Surveyor after the wall foundation was poured that it was built inside the City right-of-way. In addition, a building inspector provided the same notification and building permit violations were issued.

The Administration recommends that a public hearing be schedule for November 10, 2004.

Advisory Board Recommendation:

N/A

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| <div> Finance Dept.</div> | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Robert Halfhill, Public Works 6833

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---|---|---|
|  |  |  |

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AGENDA ITEM C7L
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING ON NOVEMBER 10, 2004, TO CONSIDER AN AFTER-THE -FACT REVOCABLE PERMIT REQUEST BY DORON VALERO, FOR RETAINING A MASONRY FENCE IN THE CITY RIGHT-OF-WAY ENCLOSING APPROXIMATELY 66 SQ. FT., ADJACENT TO HIS PROPERTY LOCATED AT 320 SOUTH COCONUT LANE.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

BACKGROUND:

Pursuant to City Code, Chapter 82, Article III, Division 2, upon receipt of a Revocable Permit application, the City Commission shall schedule a public hearing to consider the request for use of the public right-of-way.

Mr. Doron Valero, owner of the property located at 320 South Coconut Lane, who is constructing a house on this property requested an after-the-fact revocable permit from the City to retain a masonry fence wall constructed within the return radius portion of the public right-of-way (see attached Exhibit "A").

The contractor was notified by the City Surveyor after the wall foundation was poured that it was built inside the City right-of-way. In addition, a building inspector provided the same notification and building permit violations were issued.

ANALYSIS:

The applicant, in compliance with Revocable Permit requirements, will provide the City a list of property owners within a radius of 375 feet to be notified of the scheduled public hearing.

Mailed notices of this public hearing shall be provided at least 15 days prior to the hearing to those owners lying within the 375 feet of the subject property. The notice shall indicate the date, time and place of the hearing and the nature of the request and shall invite written

comments and/or participation at the hearing.

The application is being evaluated using the criteria for a revocable permit listed below.

(1) That the applicants need is substantial.

(2) That the applicant holds title to an abutting property

(3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

(4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

(5) Alternatively:

- a) That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building; or
- b) That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

(6) That granting the permit requested will not confer on the applicant any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

(7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

CONCLUSION:

Recommend the City Commission set a time on November 10, 2004, for a public hearing, during the Commission meeting.

Attachments

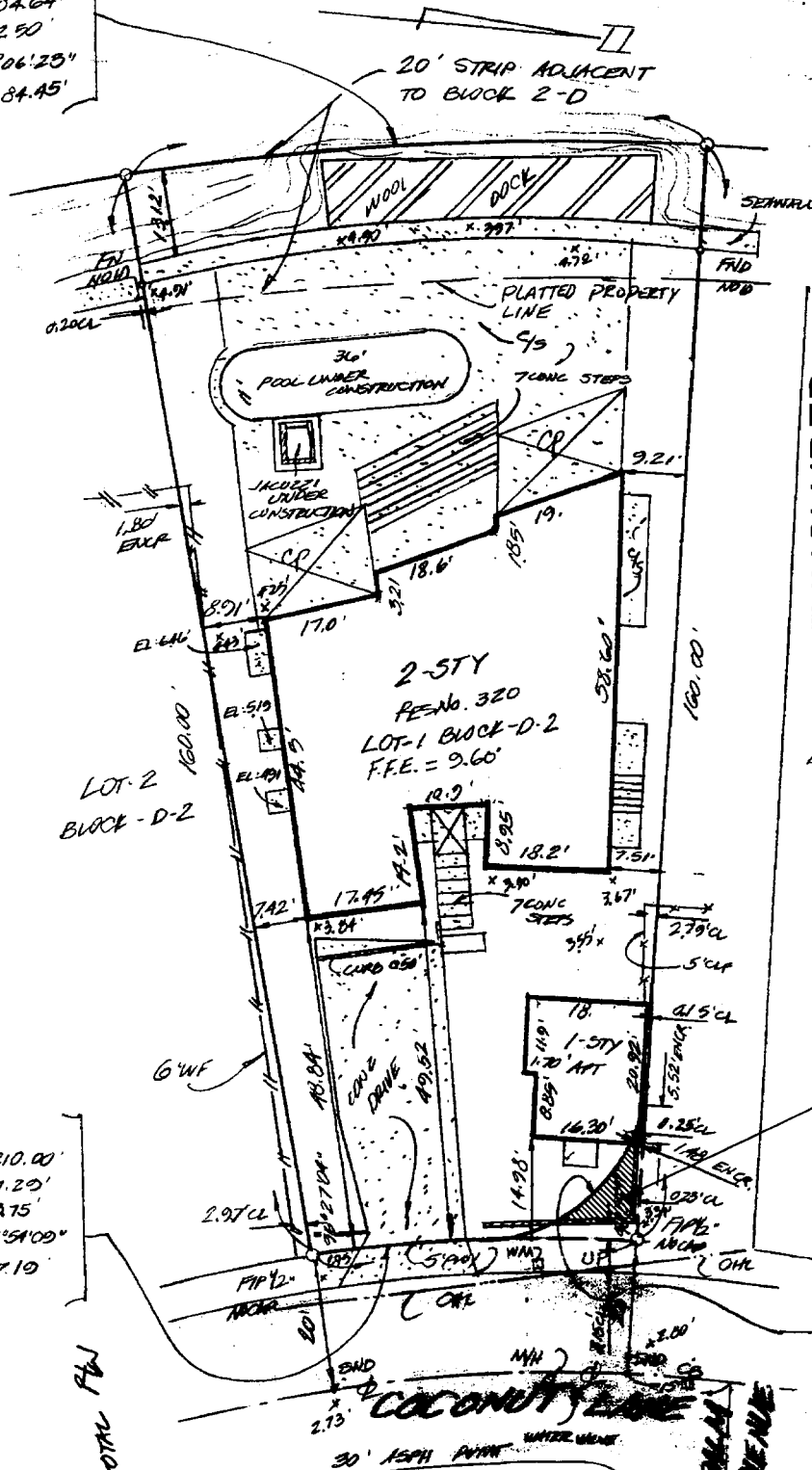
JMG/RCM/FHB/II

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BOUNDARY SURVEY

SCALE 1" = 20' N.T.S.

$R=370.00'$
 $A=84.64'$
 $T=42.50'$
 $\Delta=13^{\circ}06'28''$
 $CH=84.45'$



$R=210.00'$
 $A=47.20'$
 $T=22.75'$
 $\Delta=12^{\circ}54'09''$
 $CH=47.10'$

$R=25.00'$
 $A=36.41'$
 $T=22.30'$
 $\Delta=83^{\circ}27'25''$
 $CH=33.23'$

SURVEYOR'S NOTE:

There may be Easements recorded in the Public Records not shown on this Survey

EXHIBIT "A"

Fort Lauderdale
Jacksonville
Miami
Orlando
Tallahassee
Tampa
Washington, DC
West Palm Beach

RECEIVED
AUG 25 PM 10:46
CITY OF MIAMI BEACH



August 25, 2004

VIA FAX AND U.S. MAIL

Mr. Fred Beckmann
Director
City of Miami Beach Public Works Department
1700 Convention Center Drive
Miami Beach, FL 33139
Fax: 305-673-7028

Re: Request for Revocable Permit - 320 South Coconut Palm Lane

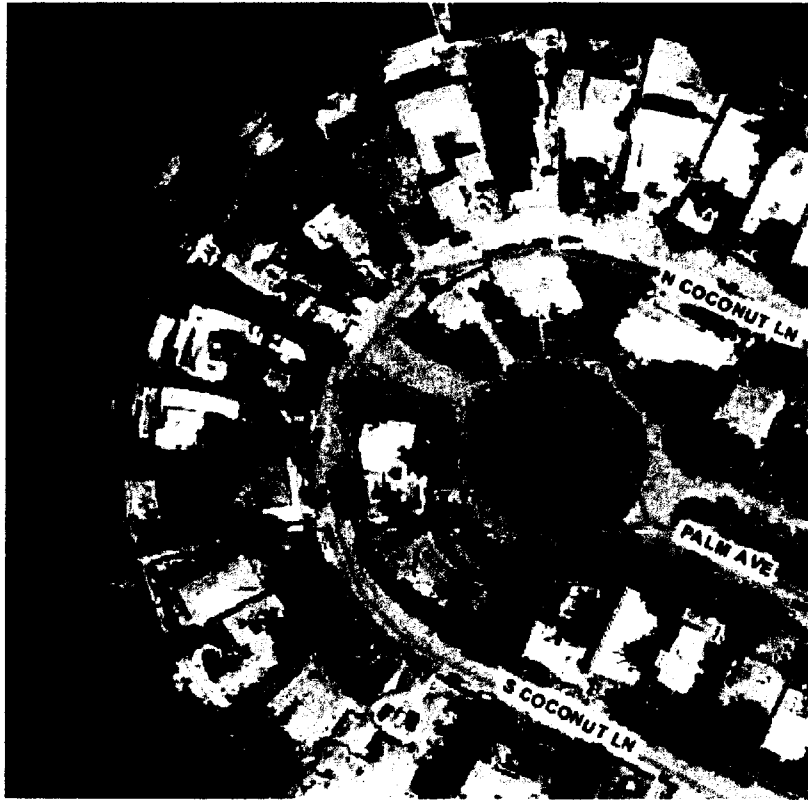
Dear Mr. Beckmann:

The undersigned represents Mr. Doron Valero in his pending request for a revocable permit for his property located at 320 South Coconut Palm Lane. Per my conversations with Mr. Valero, this letter constitutes a brief description of the hardship which forms the underlying basis of the revocable permit request.

As you may recall, the property is located at the western tip of Palm Island. I have attached for your information a copy of the survey for the property. Mr. Valero is in the process of building his personal house on the property, under a building permit issued by the City. The construction is nearly completed, and Mr. Valero is anticipating moving into his house relatively soon.

However, after the building permit was issued and construction was well underway, an error in the survey was brought to the various parties' attention. The design for the house calls for the construction of a masonry wall along the northeastern corner of the property. The plans for the masonry wall provided for the wall to make a direct 90° turn at that corner, and continue along the Coconut Palm Lane frontage up until the gate for the driveway. The wall has been constructed in accordance with those plans.

Unfortunately, a re-examination of the survey revealed that the corner of the property is not a 90° angle, but actually provides for a rounded edge. The rounding of the corner of the property accommodates a turning radius for an old, narrow right-of-way that runs from Coconut Palm to the intracoastal. Below is an older aerial photograph, taken from the Miami-Dade County Property Appraiser's website, showing the outline of the subject property (in red) and showing the old right of way:



Although the figure above is not exact, it illustrates the relationship of the boundaries of the subject property and the existing right-of-way. Because the masonry wall was constructed to the theoretical intersection of the northern and eastern property lines – squaring off the corner – a portion of that masonry wall was built on the old right-of-way.

Mr. Valero is requesting the revocable permit in order to allow the already-constructed masonry wall to remain in the right-of-way, based on the hardship imposed by the existing conditions on the property. Visible in the aerial photograph above, and shown on the survey, is a long-established accessory building located along the front of the northern property line. The location of that accessory building, coupled with the narrow frontage dimension and the required floodplain elevation, has dictated the development of the front side of this property.

In 2003, Mr. Valero requested a variance of the setback regulations from that property line in order to accommodate that accessory building. That variance was granted by the City of Miami Beach, finding that the presence of that accessory building in that location constituted a sufficiently unique attribute of the property as to form a hardship, requiring relaxation of the land development regulations. The design and location of the masonry wall runs from the corner of this accessory building, and is dictated by its location. I have attached a copy of the City's Order for your review.

The need to place the masonry wall in the present location is also driven by the physical demands of a privacy gate across the driveway. Local and federal floodplain regulations have required the building site to be elevated significantly above the grade of the adjacent roadway. Because of this, it is impossible to provide a driveway gate that swings inward towards the primary structure – the bottom of the gate

would strike the driveway sloping upward to the elevated building pad. The only way in which a driveway gate can be constructed is via a sliding gate that shifts to the north. The squared masonry wall provides adequate space for this to be installed, but a wall along the return radius would not.

Maintaining the masonry wall in its present location will in no way interfere with the effective use of the right-of-way. The right-of-way has not been utilized for years – indeed, the adjoining and prior property owners have been using that property exclusively. The right-of-way is too narrow to accommodate vehicular traffic. Indeed, it is our understanding that the City has no present plans to allow vehicular traffic, but will use the right-of-way as a pedestrian path for views of the water. Since there will be no vehicular traffic, the present location of the wall will not interfere with this intended use – since it encroaches not onto the main right-of-way, but only onto the **return radius**. This is consistent with the condition on the north side of the right-of-way, where the property owner has constructed a garage on the return radius (a condition we understand is lawfully grandfathered).

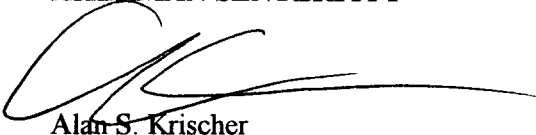
Finally, the existing rounded front property line – accommodating the return radius – creates a property configuration that is almost unique. The rounding of the property line creates a street frontage that is smaller than virtually every other frontage on Palm or Hibiscus Island. Indeed, as indicated on the revised survey, the entire frontage is barely wider than the driveway. Thus, as a direct result of the return radius, the owner is burdened with a physical condition that is specific and particular to this property.

All of these factors contribute to a unique property configuration that creates an undue hardship on the owner, and which warrants the issuance of the revocable use permit. Since the design of the masonry wall is consonant with the intended use of the right-of-way, and mirrors the condition which exists on the other return radius, the property owner believes that a revocable use permit would be appropriate at this location.

Please feel free to call me at (305) 755-5858 if you have any questions or need any further documentation regarding this matter. I look forward to speaking with you, and hope that your department can support the requested permit.

Very truly yours,

AKERMAN SENTERFITT

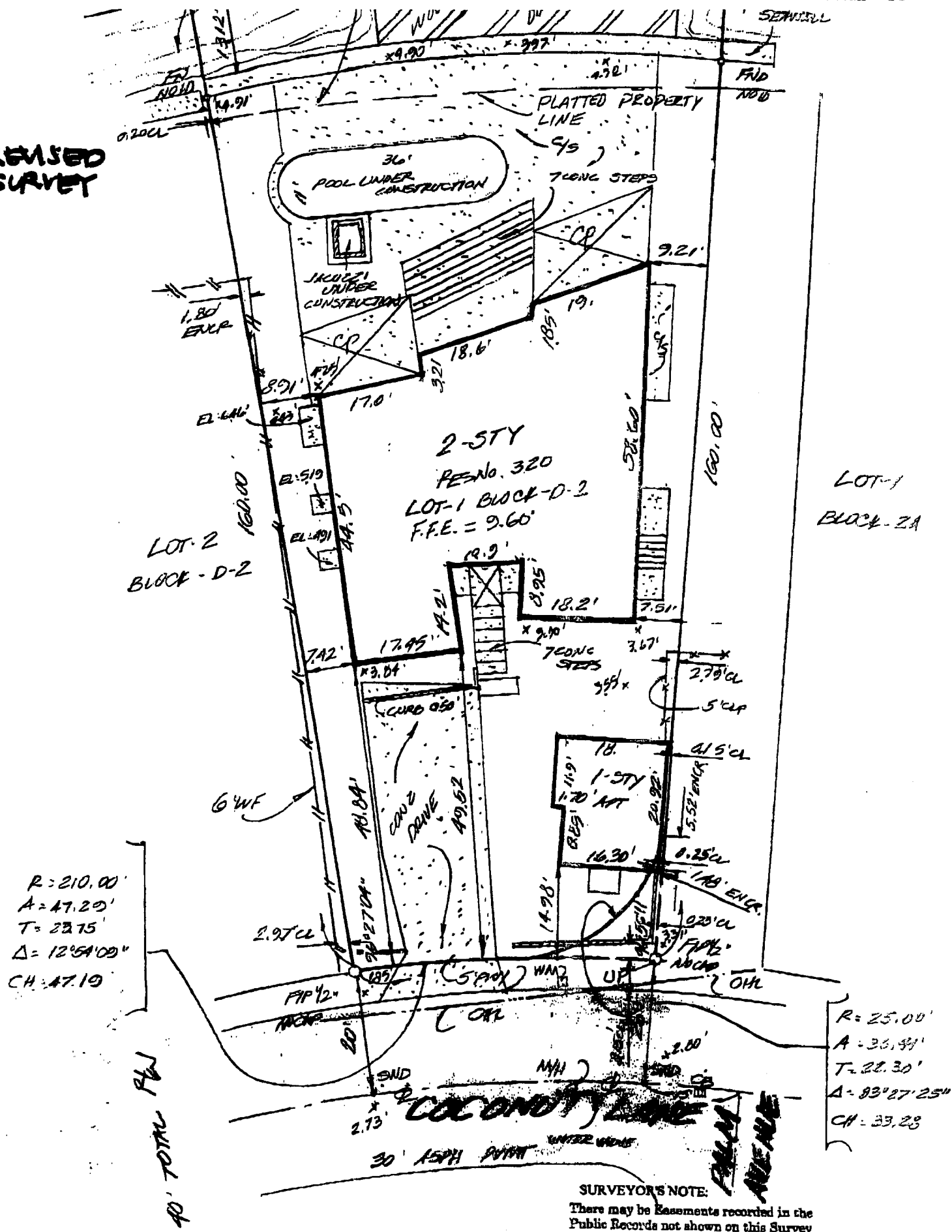


Alan S. Krischer

Encl.

cc: Mr. Doron Valero

REVISED SURVEY



**BEFORE THE
BOARD OF ADJUSTMENT
OF THE CITY OF MIAMI BEACH,
FLORIDA**

Recording Office Use Only

IN RE: The application of
DORON VALERO
320 SOUTH COCONUT LANE
PALM ISLAND
LOT 1 AND 20 FT. STRIP ADJ.
BLOCK 2D; RIVIERA 1ST AND 2ND
ADDITION AMENDED SUB.
PLAT BOOK 32-37
MIAMI-DADE COUNTY, FLORIDA

MEETING DATE: FEBRUARY 28, 2003
FILE NO. 2920

ORDER

The applicant, Doron Valero, filed an application with the Planning Department for variances in order to construct a new single family residence and retain an existing accessory structure and swimming pool, as follows:

1. A variance to waive 6' of the minimum required front yard setback of 20' in order to retain an existing accessory building 14' from the front property line facing South Coconut Lane.
2. A variance to waive all of the minimum required side yard setback of 7' - 6" in order to retain the above accessory structure.
3. A variance to waive 4' - 10" of the minimum required 9' side yard setback to the ~~waters edge of a swimming pool~~ in order to retain the existing swimming pool with a 4' - 2" south side setback.
4. A variance to waive 1' - 5" and 1' - 8" of the minimum required side yard setback of 7' - 6" for air conditioning equipment in order to locate air conditioning compressors 6' - 1" from the north side property line and 5' - 10' from the south side property line.

Notice of the request for variances was given as required by law and mailed to owners of property within a distance of 375 feet of the exterior limits of the property on which application was made.

THE BOARD FINDS that the property in question is located in the RS-4 Zoning District.

Recording Office Use Only

File No. 2929
Doron Valero
320 S. Coconut Lane

THE BOARD FURTHER FINDS, based upon evidence, testimony, information and documentation presented to the Board, and portions of the staff report and recommendations, as applicable, which are incorporated herein by this reference, that with regard to the requested variances when conditioned as provided for in this Order:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

That the special conditions and circumstances do not result from the action of the applicant;

That granting the variances requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;

That the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure;

That the granting of the variances will be in harmony with the general intent and purpose of this Ordinance and that such variances will not be injurious to the area involved or otherwise detrimental to the public welfare; and

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

IT IS THEREFORE ORDERED, by the Board, that the variances as requested and set forth above be APPROVED with the following conditions to which the applicant has agreed:

1. The detached structure shall not have any cooking facilities and may not be rented or leased. The structure shall not be enlarged beyond its current size. In the course of renovation, if any of the walls need to be removed then the entire structure shall be removed.
2. The proposed structures, including the detached accessory structure may not exceed the maximum lot coverage of 35%.
3. All of the air-conditioning equipment shall be placed along the north side yard no closer than 6' - 1" from the side property line.

Recording Office Use Only

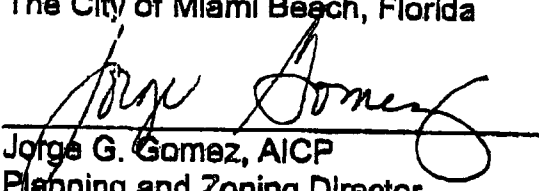
File No. 2929**Doron Valero****320 S. Coconut Lane**

4. The pool deck may not encroach into the approved 4' - 2" south side setback.
5. A landscape plan for the entire site shall be submitted to and approved by staff before a building permit is issued for construction of the addition.
6. The applicant shall comply with all conditions imposed by the Public Works Department.
7. The applicant shall obtain a building permit within one (1) year of the date of this hearing and complete the project within two (2) years of the date of the hearing. If ~~the building permit is not obtained or construction is not completed within the specified time limits~~, the applicant shall, prior to expiration of such period, apply to the Board for an extension of time. At the hearing on such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this condition shall subject the variance to Section 118-356, City Code, for revocation or modification of the variance.
8. This order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

PROVIDED, the applicant shall build in accordance with the plans submitted as part of this file and as approved by the Board of Adjustment with any applicable modifications. The applicant shall have a building permit for the work contemplated herein issued by the Building Department on or before February 28, 2004 (within one year of the date of this hearing), otherwise this Order shall become null and void, unless the issuance of such permit is stayed by an appeal of this Order to a court of competent jurisdiction. This Order does not constitute a building permit, but upon presentation of a recorded copy of this Order to the Planning Department, a permit shall be processed and approved (subject to compliance with the conditions hereof) in accordance with and pursuant to the ordinances of the City of Miami Beach.

Board of Adjustment of
The City of Miami Beach, Florida

By:


Jorge G. Gomez, AICP
Planning and Zoning Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Florida 33139

Recording Office Use Only

File No. 2929
Doren Valero
320 S. Coconut Lane

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 25 day of MARCH, 2003, by Jorge Gomez, Planning and Zoning Director of the City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation.
He is personally known to me.

OFFICIAL NOTARY SEAL
CHARLES A. TAFT
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CCR32790
COMMISSION EXPI. MAY 29, 2006
[NOTARIAL SEAL]
My Commission Expires.

Notary:

Print Name: CHARLES A. TAFT
Notary Public, State of Florida

Approved As To Form:

Legal Department (94443-11-03)Filed with the Clerk of the Board of Adjustment on 3-25-03 (AK)

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RESOLUTION TO BE SUBMITTED

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution ratifying an Interlocal Agreement between the City of Miami Beach (CMB) and the Housing Authority of the City of Miami Beach (HACMB) relating to the appointment of Miguell Del Campillo as Interim Executive Director to the HACMB effective August 19, 2004.

Issue:

Shall the City ratify an Interlocal Agreement between CMB and HACMB relating the appointment of Miguell Del Campillo as Interim Executive Director to the HACMB effective August 19, 2004?

Item Summary/Recommendation:

Ms. Kathryn Haynes, Executive Director of HACMB resigned her position effective August 18, 2004. Representatives of the HACMB contacted the City Administration to determine if an employee from the CMB might be available to act as the Interim Executive Director of the HACMB while the Housing Authority undertook a recruitment to hire a permanent Director. Mr. Miguell Del Campillo, who has served for a number of years as the CMB Housing Manager expressed an interest in serving as the Interim Executive Director. An Interlocal Agreement was negotiated with the HACMB (copy attached) which provides that for a three month period of time commencing August 19, 2004, the services of Mr. Miguell Del Campillo are to be provided to the HACMB in the capacity of the Interim Executive Director of the HACMB. During this three month period all costs associated with Mr. Del Campillo salary will be born by the HACMB as outlined in the Agreement. Approval of this Resolution is recommended.

Advisory Board Recommendation:

N/A

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| <div><div></div><div>Finance Dept.</div></div> | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Robert C. Middaugh, Assistant City Manager

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
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AGENDA ITEM C7M
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) RELATING TO THE APPOINTMENT OF MIGUELL DEL CAMPILLO AS INTERIM EXECUTIVE DIRECTOR TO THE HACMB EFFECTIVE AUGUST 19, 2004.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

In early August 2004, Ms. Kathryn Haynes, Executive Director of the Housing Authority of the City of Miami Beach (HACMB) resigned her position effective August 18, 2004.

Representatives of the HACMB contacted the City Administration to determine if an employee might be available from the City of Miami Beach to act as the Interim Executive Director of the Housing Authority while the Housing Authority undertook a recruitment to hire a permanent Director.

Mr. Miguell Del Campillo, who has served for a number of years as the City of Miami Beach Housing Manager and is well versed in Housing Authority related issues expressed an interest in serving as the Interim Executive Director. Organizationally, providing Mr. Del Campillo's services to the Housing Authority as Interim Executive Director, did not pose any problems for the City.

During the August recess, an Interlocal Agreement was negotiated with the HACMB (copy attached) which provides that for a three month period of time commencing August 19, 2004, the services of Mr. Miguell Del Campillo are to be provided to the HACMB in the capacity of the Interim Executive Director of the HACMB. During this three month period all costs associated with Mr. Del Campillo's salary will be born by the HACMB as outlined in the attached Agreement.

It was understood and agreed by the HACMB, Mr. Del Campillo and the City of Miami Beach that in the event that Mr. Del Campillo expressed interest in seeking the permanent position of Executive Director of the HACMB, his interim engagement as Executive Director

would not be an obstacle to that candidacy. At the present time, the Housing Authority is pursuing a recruitment for a full time Executive Director.

Allowing Miguell Del Campillo to serve as the Interim Executive Director to the HACMB will be of significant assistance and value to the HACMB and allow some measure of continuity in operations as they seek a permanent Director.

Attached is a Resolution from the HACMB approving the Interlocal Agreement which now requires the ratification approval of the Miami Beach Mayor and City Commission.

JMG\RCM\sam

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Attachments

AGREEMENT

This Agreement is entered into this 18th day of AUGUST, 2004, between the City of Miami Beach, Florida, a municipal corporation located at 1700 Convention Center Drive (City), and the Housing Authority of the City of Miami Beach, a public body organized under Section 421 of the Florida Statutes, located at 200 Alton Road, Miami Beach, Florida 33139 (HACMB).

Recitals:

WHEREAS, the HACMB Board of Commissioners, who are appointed and serve pursuant to Florida law, are responsible for hiring the Executive Director, who is responsible for the day to day management of HACMB, implementation of Board policies and procedures, and overseeing HACMB staff; and

WHEREAS, the current Executive Director of HACMB will resign effective on or about August 18, 2004; and

WHEREAS, Miguell Del Campillo (Contractor), who is an employee of the City of Miami Beach and, as the City's Housing Manager, has extensive experience in Federal housing and community development and has dealt with various issues related to the HACMB; and

WHEREAS, the HACMB has been in discussions with the City and has requested that Contractor serve as Interim Executive Director of the HACMB, therefore allowing the Authority to continue to function on a day to day basis, while undertaking a search for a permanent Executive Director; and

WHEREAS, Contractor is amenable to serving as the Interim Executive Director; and

WHEREAS, the City hereby consents to the appointment of Contractor as the Interim Director of the HACMB, subject to the terms and conditions set forth in this Agreement.

NOW THEREFORE, the City and HACMB, in consideration of the mutual consents and agreements contained herein, agree as follows:

1. City and HACMB agree to, and Contractor accepts, the appointment of Contractor as Interim Executive Director of the HACMB. As Interim Director, Contractor's scope of duties shall be as set forth in the attached Exhibit "A".

2. The Term of this Agreement shall be for a three (3) month period, commencing on August 19, 2004, and terminating on November 19, 2004. Provided that Contractor is willing to continue to serve as the Interim Director, City and HACMB may mutually agree to extend this Agreement for an additional three (3) month term.

3. City and HACMB agree that, during the term of this Agreement, including any renewal term, Contractor shall take a leave of absence from his position as the City's Housing Manager, but shall continue to remain a City of Miami Beach employee and, as such, shall be entitled to continue to be paid by the City his full salary as a City employee (such salary to be commensurate with Contractor's City job classification). Contractor shall also continue to be entitled to and receive any and all employee benefits afforded to unclassified City employees, including but not limited to, health and pension benefits.

4. Notwithstanding Paragraph 3 above, the HACMB shall be responsible for:

- a) Reimbursement to the City for Contractor's bi-weekly salary as the City's Housing Manager, which salary as of the date of this Agreement, is established at \$ 2,675.78 (\$ 69,570.28 annually); and
- b) City and Contractor acknowledge that Contractor's performance evaluations may not be finalized as of the date of this Agreement. Should Contractor's performance evaluations be finalized at any time during the term herein, then Contractor's bi-weekly salary shall be adjusted accordingly, and the HACMB shall reimburse the City for such amount; and
- c) Payment to Contractor for the balance of the difference between Contractor's bi-weekly salary at the City, (as established in subsection (a) above), and Contractor's proposed annual salary as Interim Executive Director, which is \$ 98,000.00 annually; or \$ 3,769.23 bi-weekly.

Accordingly, HACMB shall pay Contractor, the amount of \$ 1,093.45; payment to be made directly to Contractor on a bi-weekly basis, concurrent with Contractor's pay period schedule at the City (said pay period schedule to be provided by the City or Contractor to HACMB prior to the commencement date of the Agreement).

5. HACMB shall also provide Contractor with a car allowance and cell-phone. Contractor shall be entitled to any and all other employee benefits afforded to Upper Management employees of the HACMB.

6. This Agreement may be terminated for convenience of either the City of Miami Beach or HACMB, or by Contractor, by giving written notice to the other party(ies) of such termination, which shall become effective fifteen (15) days following receipt by the other party of the written termination notice. In the event that this Agreement is terminated,

City agrees that Contractor shall return to work to the City of Miami Beach as the City's Housing and Community Development Division Director, and shall be reclassified in accordance with such position.

7. In the event of such termination for convenience of either party, the Contractor shall be paid a sum equal to all payments due to him up to the date of termination of this Agreement, provided Contractor is continuing to provide all services pursuant to the Agreement up to the date of termination.

8. During the term of this Agreement, the parties agree and acknowledge that Contractor shall be acting under the direction and control of the Board of the HACMB, and shall not be deemed an agent of the City. Accordingly, during the term of this Agreement, the HACMB agrees to indemnify, defend, and hold harmless the City of Miami Beach, and its officers, employees, and agents from and against any and all actions, claims, liabilities, losses, and expenses, including but not limited to, attorney's fees, for personal, economic or bodily injury, wrongful death, loss of or damage to property, in law or in equity, which may arise or be alleged to have arisen from the negligent acts or omissions or other wrongful conduct of the Contractor in connection with the Contractor's performance of services pursuant to the Agreement, and/or otherwise pursuant to Contractor's duties and/or other acts as Interim Executive Director of HACMB.

9. All notices under the term of this Agreement shall be sent to the following:

CITY: Office of the City Manager
City of Miami Beach
1700 Convention Center Drive, 4th Floor
Miami Beach, Florida 33139
Attn: Bob Middaugh, Assistant City Manager

CONTRACTOR: Miguell Del Campillo
7445 N.W. 19th Drive
Pembroke Pines, Florida 33024
(954) 963-6848

HACMB: Eve Boutsis, counsel for HACMB
c/o 3225 Aviation Avenue, Third Floor
Miami, Florida 33133-4741
(305) 854-5353

With copies to:
Maria Beatriz Gutierrez
Chairperson
Housing Authority of City of Miami Beach
200 Alton Road
Miami Beach, Florida 33139

10. This Agreement shall be enforceable in Dade County, Florida, and if legal action is necessary by either party with respect to the enforcement of any or all of the terms or conditions herein, exclusive venue for the enforcement of same shall lie in Dade County, Florida.

It is further agreed that this Agreement may be altered, extended and amended only upon the written consent of both parties and Contractor hereto. BY ENTERING INTO THIS AGREEMENT, CITY AND HACMB EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the respective officials thereunto duly authorized, this date and year first above written.

[Signature]
City Clerk

CITY OF MIAMI BEACH,
a Florida Municipal Corporation
for IMB

[Signature]
City Manager

Robert C. Morddaugh
Print Name

8/18/04
Date

[Signature]
~~Secretary~~ WITNESS
Thomas Veriola
Print Name

Housing Authority of the City of Miami Beach
(HACMB)

[Signature]
Chairperson

MARIA BEATRIZ GUTIERREZ
Print Name

8/18/04
Date

Agreed to and Accepted by Contractor,
Miguel Del Campillo:

[Signature]

Miguel Del Campillo
Print Name

8/18/04
Date

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 8/18/04
City Attorney

EXHIBIT "A"**THE HOUSING AUTHORITY OF
THE CITY OF MIAMI BEACH, FLORIDA
POSITION DESCRIPTION**

Position Title: Executive Director

Date Prepared/Revised: July 2004

FLSA Status: Exempt

Employment Status: Full-time

General Purpose of the Position:

Highest level administrative and professional position in the organization; responsible for the planning, organizing, coordinating and directing all programs and operations of the Authority. Responsible for directing HACOMB's comprehensive housing and supportive programs such as public housing, Section 8 Vouchers, Section 8 New Construction, and other programs. Oversees operation's finance, asset management, capital improvements, facility maintenance, resident programs, new construction and all new programs authorized by the United States Department of Housing and Urban Development (HUD), other funding sources and the Board of Commissioners. Performance of the duties requires executive management skills, extensive knowledge of laws, rules, regulations, policies and procedures governing public housing, Section 8 and other housing programs.

Administrative and professional work is performed through the management of functional areas within the Authority. Work is performed under the broad direction and policies of the Board of Commissioners with extensive latitude on independent actions and judgment. Direct supervision of key departmental personnel and indirect supervision is exercised over all employees of the Housing Authority. This administrative position must exercise initiative, sound decisions, leadership, excellent verbal and written communications, tactfulness, and positive public relations skills. Performance is reviewed by the Board through conferences, board meetings, reports, performance measures on the Authority, and the successful achievement of program objectives and goals.

Essential Duties and Responsibilities:

Assumes responsibility for management, development, and redevelopment of public housing, homeownership, rental assistance, and other programs in housing owned and operated by HACOMB. Ensures that PHAS, SEMAP, Annual Goals, and Five-Year Goals for the Authority are achieved and maintained on a consistent and acceptable basis.

Executes policy directives of the Board of Commissioners in conformance with current legislation and regulatory directives; manages implementation of policies to ensure proper interpretation and administration. Prepares resolutions, policies, drafts, and orders of the

Board of Commissioners in order to meet the requirements of the Department of Housing and Urban Development and other regulatory agencies; prepares and executes contracts, agreements and other legal documents; maintains official records, files and Board minutes.

Communicates effectively with the Commissioners, keeping the Commission informed of current and pending situations and issues; providing consultation on matters of policy; prepares agendas and information, schedules meetings; provides background information and recommendations on matters of concern to the Commission. Prepares official correspondence; acts on policies, and other complex and controversial issues.

Assumes overall responsibility for selecting, training managing, evaluating, developing, disciplining, compensating, organizing, and supervising HACOMB's personnel, other supervisory staff, and executive support staff at HACOMB. Exercises indirect supervision over all other staff members. Ensures personnel files are properly maintained; and classifications, benefits, comparability, and compensations are consistent with budgets, Board approved policies, and other requirements.

Creates, implements, and manages annual goals and objectives to improve HACOMB's operations; manages relations with residents and the community; authorizes adjustments during implementation as required by changes in conditions, circumstances, policies, and regulations.

Manages HACOMB's funding; researches, identifies, recommends, and implements new programs, grants, tax credits, private/public ventures, mixed financing, bonds and funding sources to enhance the housing programs within Miami Beach's jurisdiction.

Remains informed on public housing, Section 8 and other programs administered by HACOMB through continuous review and reeducation of HUD regulations, laws, ordinances, publications and related matters; maintains positive relationships with other industry leaders and program advocates.

Directs effective positive and open communication with representatives of local, state and federal agencies, HUD, and other business partners on the policies and programs of HACOMB; manages and maintains media relations.

Partners with the community and agencies to address affordable or low income housing issues. Provides technical assistance in managing low rent or affordable housing for other organizations.

Serves as ex-officio Secretary of the Board of Commissioners for HACOMB in accordance with By-Laws.

Serves as the Authority's contracting officer; provides recommendations to the Board concerning contract conditions, awards executions and administration as directed by the Board and procurement policies. Responsible for maintaining contracts, agreements, documents, change orders, records, and implementation of project schedules.

Oversees annual budget process, preparation, revision, and submission for Board of Commissioners' approval; directs the preparation and maintenance of all financial records, authorizes expenditures, manages collections, signs checks, maintains fiscal controls.

reviews financial reports, maintains official records and custodian of expenditures, assets, and accounts. Maintains ACC requirements.

Maintains a positive public relations profile by participating in various advisory committees, community boards, governmental programs, professional organizations, attending public and community meetings as the Authority's representative, and by preparing news releases as required.

Consults with individuals, residents, groups or agencies to sponsor legislation beneficial to the Authority's interest, develop programs through community organizations to benefit qualified families. Confers with residents and staff regarding housing authority issues and programs; takes corrective actions when necessary.

Consults with Authority's Legal Counsel on resolutions, litigation, contracts, agreements and/or other legal matters; conducts research, and represents the Authority and its interest on legal issues. Serves as the final hearing officer involving grievances by employees or residents.

Performs related duties as required.

Knowledge, Skills and Abilities Required:

Thorough knowledge and understanding of the management principles, methods and practices on administration, fiscal and organizational issues.

Thorough knowledge and understanding of the purpose, objectives, policies, regulations and requirements of public and rental assistance, other federal housing programs, HUD and Boards. Considerable knowledge of PHAS, SEMAP, and other performance measures.

Thorough knowledge of the federal, state, and local regulations and ordinances governing public and Section 8 housing programs; including health and fire regulations, landlord/resident relationships, property management, leasing and terminations.

Knowledge of laws and regulations governing bonded indebtedness, procurement, contracts and agreements.

Considerable knowledge of the organization, programs, community agencies, funds and groups that can assist the Authority in meeting the resident's needs.

Knowledge of the principles and procedures of building and grounds maintenance, modernization, capital improvements, contract administration and construction management.

Ability to plan, organize and supervise the operation of a Housing Authority.

Ability to compile and analyze complex and comprehensive data, reports, regulations and processes.

Ability to deal tactfully and effectively with the general public, residents, civic, and community organizations, and develop and promote effective working relationships.

Computer Equipment and Software Requirements:

Experienced with personal computers, emails, word processing, WORD, EXCEL, Outlook, ACCESS, the Windows environment and HUD related software.

Education and Experience Requirements, Preferences or Beneficial:

Required graduate from an accredited four-year college or university with major course work in Business, Public Administration or a related field. Five-years progressive, responsible, senior level experience in public housing, or a related government department or agency.

Required ability to possess a valid Florida driver's license; ability to be covered by HACOMB's vehicle insurance policy, fidelity bond, professional liability and other insurance.

Communication in Spanish is beneficial for the position.

Other Requirements:

This position description in no way states or implies that these are the only duties to be performed by the employee(s) incumbent in this position. Employee(s) will be required to follow other job-related instructions and to perform other job-related duties requested by any person authorized to give instructions or assignments.

This position description has excluded the marginal functions of the position that are incidental to the performance of essential job duties. All duties and responsibilities are essential job functions and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the employee will possess the skills, aptitudes, and abilities to perform each duty proficiently. Some requirements may exclude individuals who pose a direct threat or significant risk to the health or safety of themselves or others. The requirements listed in this document are the minimum levels of knowledge, skills, and abilities.

This document does not create an employment contract, implied or otherwise, other than an "at will" relationship.

Dlm/kke8/02/kke7/04

**HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH
RESOLUTION NO. 2004-21**

Agenda Item No. VI.A

A RESOLUTION RELATING TO THE APPOINTMENT OF AN INTERIM EXECUTIVE DIRECTOR TO THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB); RATIFYING THE EXECUTION OF AN AGREEMENT WITH THE CITY OF MIAMI BEACH AND MIGUELL DEL CAMPILLO IN ORDER TO HIRE MR. DEL CAMPILLO AS THE HACMB'S INTERIM EXECUTIVE DIRECTOR, WHICH POSITION BECAME EFFECTIVE ON AUGUST 19, 2004; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the HACMB Board of Commissioners, who are appointed and serve pursuant to Florida law, are responsible for hiring the Executive Director, who is responsible for the day to day management of HACMB, implementation of Board policies and procedures, and overseeing HACMB staff; and

WHEREAS, Ms. Kathryn Haynes, the Executive Director of HACMB resigned effective August 18, 2004; and

WHEREAS, Miguell Del Campillo, who is an employee of the City of Miami Beach and, as the City's Housing Manager, has extensive experience in Federal housing and community development and has dealt with various issues related to the HACMB; and

WHEREAS, the HACMB has been in discussions with the City and has requested that Mr. Del Campillo serve as Interim Executive Director of the HACMB, therefore allowing the Authority to continue to function on a day to day basis, while undertaking a search for a permanent Executive Director; and

WHEREAS, Mr. Del Campillo is amenable to serving as the Interim Executive Director; and

WHEREAS, the City has consented to the appointment of Contractor as the Interim Director of the HACMB, subject to the terms and conditions set forth in the attached Agreement.

WHEREAS, Mr. Del Campillo started employment with the HACMB as the Interim Executive Director on August 19, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA:

Section 1. The interlocal agreement attached to this resolution as exhibit 1, which agreement was executed by the HACMB Chairperson, Maria Beatriz Gutierrez, on August 19, 2004, is hereby ratified and approved.

Section 2. Mr. Del Campillo, effective August 19, 2004, is the HACMB's Interim Executive Director. Mr. Del Campillo shall be employed as the Interim Executive Director under the terms and conditions outlined in the attached agreement.

Section 3. A copy of this resolution approving the agreement with the City of Miami Beach and Mr. Miguell Del Campillo shall be forwarded to the Mayor and City Commission for the City of Miami Beach.

Section 4. This resolution shall take effect immediately upon approval.

The foregoing resolution was offered by Commissioner Lopez, who moved its adoption. The motion was seconded by Commissioner Chaykin and upon being put to a vote, the vote was as follows:

| | Yes | No |
|-----------------|----------|-------|
| Betty Gutierrez | <u>✓</u> | _____ |
| Steve Chaykin | <u>✓</u> | _____ |
| Milli Membiela | <u>✓</u> | _____ |

HACMB Resolution no. 2004-21
Re: Appointment of Interim Executive Director
And Ratification of Agreement for Interim Services
Page 3 of 3

Rosalia Lopez
Leonard Turkel

✓
✓


PASSED AND ADOPTED this 14th day of September, 2005.

ATTEST:

APPROVED:



HACMB Board Secretary



Chairperson Maria Beatriz Gutierrez

READ AND APPROVED AS TO FORM:

HACMB General Counsel

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND THE HOUSING AUTHORITY OF THE CITY OF MIAMI BEACH (HACMB) RELATING TO THE APPOINTMENT OF MIGUELL DEL CAMPILLO AS INTERIM EXECUTIVE DIRECTOR TO THE HACMB EFFECTIVE AUGUST 19, 2004.

WHEREAS, the members of the Board of the Housing Authority of the City of Miami Beach (HACMB) are appointed and serve pursuant to Florida law, are responsible for hiring the Executive Director, who is responsible for the day to day management of HACMB, implementation of Board policies and procedures, and overseeing HACMB staff; and

WHEREAS, Ms. Kathryn Haynes, the Executive Director of HACMB resigned effective August 18, 2004; and

WHEREAS, Miguell Del Campillo, is an employee of the City of Miami Beach and, as the City's Housing Manager, has extensive experience in Federal housing and community development, and has dealt with various issues related to the HACMB; and,

WHEREAS, the HACMB has been in discussions with the City and has requested that Mr. Del Campillo serve as Interim Executive Director of the HACMB, therefore allowing the HACMB to continue to function on a day to day basis, while undertaking a search for a permanent Executive Director; and

WHEREAS, Mr. Del Campillo is amenable to serving as the Interim Executive Director; and

WHEREAS, the City has consented to the appointment of Miguell Del Campillo as the Interim Director of the HACMB, subject to the terms and conditions set forth in the attached Interlocal Agreement; and

WHEREAS, Mr. Del Campillo started employment with the HACMB as the Interim Executive Director on August 19, 2004; therefore, the Administration would recommend that the Mayor and City Commission ratify the attached Interlocal Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby ratify the attached Interlocal Agreement

between the City of Miami Beach and the Housing Authority of the City of Miami Beach relating to the appointment of Miguell Del Campillo as Interim Executive Director to the HACMB effective August 19, 2004.

PASSED and **ADOPTED** this ____ day of _____, 2004.

Mayor

ATTEST:

City Clerk

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

M. H. Del Campillo 10-7-04
City Attorney *gfr* Date

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

Resolution approving a Second Amendment to the Amended and Restated/Consolidated Lease Agreement between the City and the Miami Beach Jewish Community Center, Inc. (JCC), located at 4221 - 4229 Pine Tree Drive, amending the Agreement to extend the time periods for the JCC to apply to the City's Design Review Board, submit plans for the design of the proposed improvements to the property, to obtain building permits and to complete construction of the proposed improvements, and amending other provisions of the agreement as are appropriate under the circumstances

Issue:

Should the Second Amendment to the JCC Lease Agreement be approved?

Item Summary/Recommendation:

On June 3, 1981 the City first leased to the JCC the property at 4221 Pine Tree Drive. The Lease was subsequently amended on several occasions, the including an amendment on July 12, 2000, whereby the Mayor and City Commission approved an Amended and Restated/Consolidated Lease Agreement extending the term through 2099; providing for the JCC to invest a minimum of \$2,000,000 in capital improvements on the Premises, and providing that the JCC submit Plans for same to the City and make application to the City's Design Review Board (DRB) for approval no later than November 8, 2003, subject to referendum (subsequently approved by voters at a November 7, 2000, Special Election). On October 15, 2003, after receiving a request from the JCC, the Mayor and City Commission approved a First Amendment to the Amended and Restated/Consolidated Lease Agreement extending the DRB application date by a one (1) year period, until November 8, 2004 and clarifying and memorializing the "Commencement Date" of the Lease as November 8, 2000.

In September 2004, the JCC submitted the Preliminary Plans and Specifications and met with the City Administration to review same, which have been deemed to be inconsistent with the original Concept Plan. The Planning Department has made preliminary recommendations to the JCC, which would be more in keeping with the original Concept Plan. The City and JCC have agreed to continue working towards an acceptable set of Preliminary Plans and Specifications. In light of the pending deadline of November 8, 2004, for the JCC to submit Preliminary Plans and Specifications to the DRB, and address the inconsistencies with the original Concept Plan, the JCC has requested to extend several existing deadlines contained in the First Amendment to the Amended and Restated/Consolidated Lease.

The Administration recommends that the Mayor and City Commission adopt the Resolution.

Advisory Board Recommendation:

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|---|--------------|--------|---------|----------|
| <div style="border: 1px solid black; width: 80px; height: 80px; display: flex; align-items: center; justify-content: center;"> </div> Finance Dept. | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Jose Damien

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|--------------|
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AGENDA ITEM C7N
DATE 10-13-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.ci.miami-beach.fl.us



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THAT CERTAIN AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND THE MIAMI BEACH JEWISH COMMUNITY CENTER, INC. (JCC), FOR A PARCEL OF LAND AND FACILITIES LOCATED AT 4221 - 4229 PINE TREE DRIVE, MIAMI BEACH, FLORIDA, AMENDING THE AGREEMENT, TO EXTEND THE TIME PERIODS FOR THE JCC TO APPLY TO THE CITY'S DESIGN REVIEW BOARD, SUBMIT PLANS FOR THE DESIGN OF THE PROPOSED IMPROVEMENTS TO THE PROPERTY, TO OBTAIN BUILDING PERMITS AND TO COMPLETE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, AND AMENDING OTHER PROVISIONS OF THE AGREEMENT AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Original Lease:

On June 3, 1981 the City first leased to the Jewish Community Centers of South Florida, Inc., City property at 4221 Pine Tree Drive, also known as lots 5, 6 and 7 of Flamingo Bay Subdivision, as recorded in Plat Book 6 at Page 101 of the public records of Miami-Dade County, Florida. (Resolution 81-16678).

Lease, as Amended and Extended:

The lease was amended and extended on three occasions, such that the lease term extended through to October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc., a not-for-profit corporation (Resolutions 84-17863, 85-18280, and 88-19226).

Amended and Restated/Consolidated Lease:

On July 12, 2000, the Mayor and City Commission adopted Resolution No. 2000-23994 approving an Amended and Restated/Consolidated Lease Agreement, subject to referendum (subsequently approved by voters at a November 7, 2000, Special Election), which incorporated the following:

1. Term was extended for 99 years, to 2099.
2. Permitted uses would include recreational, cultural, educational, social service and minor and incidental religious uses.
3. Provided for payment of fair market value and appraisal methodology for the area to be used for religious services and use fees for expanded religious uses limited to a maximum of 10 holidays per year.
4. Set forth construction parameters, specifically addressing review requirements (including Design Review Board review and approval), construction commencement and completion deadlines, and required a minimum initial investment of \$2 million in improvements for which a building permit must be issued within five (5) years from the commencement of the Lease, subject to reasonable extensions.
5. Construction which was previously restricted to two (2) lots would be permitted on all three (3) lots, in accordance with the concept plan.
6. In the event the required referendum failed, the lease would revert to the previously existing lease term.
7. JCC agreed to indemnify, defend and hold the City harmless in the event of challenges to the lease and referendum.
8. By separate agreement, the JCC agreed to hold harmless, indemnify and defend the City from challenges related to the Lease and referendum, from the time of the adoption of the subject resolutions, and reimburse the City for all costs associated with the referendum.

The referendum appeared on the November 7, 2000 ballot, and was approved by the respective voters.

First Amendment to the Amended and Restated/Consolidated Lease:

In accordance with Section 15.5 of the Lease Agreement (see item 4 above), the JCC was required to present the City with Preliminary Plans and Specifications (Plans), and make application to the City's Design Review Board (DRB) for approval of same, no later than November 8, 2003.

In a letter dated October 3, 2003, attorney Jeffrey Bercow, on behalf of the JCC, cited that after meeting with the City Commission's Neighborhood Committee, the JCC leadership opted to withhold submittal of the Plans to the DRB in order to ensure that they would have the financial resources to deliver the improvements depicted by said Plans and respective specifications. The letter also reflected that the JCC had since met with potential donors and begun the fundraising process, but would like to be confident that the development plan it presents the City is financially feasible, and as such sought additional time to present the City with the "Preliminary Plans and Specifications" and apply for DRB approval as required under the Lease.

To that end, the JCC formally requested that the City consider amending the Lease Agreement by modifying Section 15.5 thereof by extending, by a one (1) year period, the date by which the JCC must apply for DRB approval. On October 13, 2003, the Mayor and City Commission adopted Resolution No. 2003-25363, extending the previously existing deadline for submission to the DRB, from November 8, 2003 to November 8, 2004, in order to allow the JCC sufficient time to secure the necessary financial backing to ensure that the proffered plan may be fully developed. Said Resolution also served to amend and clarify that section of the Lease that defines the "Commencement Date", which had not been previously filled-in in the Agreement, establishing the Commencement Date as November 8, 2000 (the day after the referendum that approved the Lease).

Proposed Second Amendment to the Amended and Restated/Consolidated Lease:

In September 2004, the JCC met with the City Administration on two separate occasions, once with Planning Department staff to review the most recently submitted Preliminary Plans from a regulatory perspective, and the second time with the Administration to review same from a proprietary perspective. The Plans, as submitted, have been deemed to be inconsistent with the Concept Plan, by the Administration. Planning Department staff has made preliminary recommendations to the JCC, with regard to the re-location of certain building components, which would provide a more ample view corridor from Pine Tree Drive, east, towards the Indian Creek Waterway, and would be more in keeping with the intent of the original Concept Plan. However, even with the Planning Department's recommended modifications, overall, the Plans as would be modified, would still be deemed inconsistent with the original Concept Plan. The proposed amendments include a requirement that the Plans, as modified, be resubmitted to the Administration, for preliminary proprietary review, no later than February 5, 2005. Moreover, within 20 days from said re-submittal, if the Plans are deemed to be inconsistent the original Concept Plan, I, as City Manager, am required to forward said Plans to the Mayor and City Commission, for their review and formal approval, in their proprietary capacity as Lessor.

The City and JCC have agreed to continue working towards a mutually acceptable set of Preliminary Plans and Specifications, in accordance with the Planning Department's preliminary recommendations.

In light of the pending deadline of November 8, 2004, requiring the JCC to submit Preliminary Plans and Specifications to the DRB, and in order to address the Planning Department's recommendations, the JCC has requested to extend several existing deadlines included in the following sections of the First Amendment and the Amended and Restated/Consolidated Lease:

| Note: Calculated outside dates in (parentheses) | | | | |
|---|--|---|----------|--|
| Para | Item Description | Original (calculated outside dates in parentheses) | Current | Proposed |
| 2.1 | Commencement Date | 11/08/00 | Same | Same |
| 15.4 | City Proprietary Review (Preliminary Plans) | Three (3) years from Commencement Date. (11/08/03) | Same | 02/08/05 |
| 15.5 | DRB submittal (Preliminary Plans) | Three (3) years from Commencement Date. (11/08/03) | 11/08/04 | 05/06/05 |
| 15.7 | City Proprietary Review (Construction Plans) | Twelve (12) months from DRB approval, no later than five (5) years from Commencement Date, extended by appeals. (11/08/05) | Same | Within twelve (12) months from DRB approval, extended by third party appeals only. |
| 15.8 | Obtain Building Permits | Five (5) years from Commencement Date. (11/08/05) | Same | Six (6) years from Commencement Date. (11/08/06) |
| 15.11 | Construction Commencement | Sixty (60) days after all permits and approvals are issued, no later than five (5) years from Commencement Date. (11/08/05) | Same | Sixty (60) days after all permits and approvals are issued. (01/07/07) |
| 15.12 | Construction Completion | Two (2) years from issuance of full Building Permit. (11/08/07) | Same | Same (11/08/08) |

Additionally, and in furtherance to the City's and JCC's mutual goal to ensure that the proposed project is actually constructed, the JCC has agreed to provide the City, along with the Preliminary Plans and Specifications, a funding plan reflecting that the JCC will have sufficient funds to timely commence and complete construction. Furthermore, prior to commencement of construction the JCC shall submit evidence satisfactory to the City Manager that said funding and/or construction financing commitments are in place. These requirements are reflected in Paragraphs 15.4 and 15.8, respectively.

It is recommended that the Mayor and City Commission adopt the attached Resolution and approve a Second Amendment to the Amended and Restated/Consolidated Lease Agreement, between the City and the JCC, to extend the time periods for the JCC to apply to the City's Design Review Board, submit plans for the design of the proposed improvements to the property, to obtain building permits and to complete construction of the proposed improvements, and amending other provisions of the agreement as are appropriate under the circumstances.

^{on}
JMG:CMC:JD:rlr
Attachments

F:\DDHP\ALL\ASSET\JCC\JCC2NDAMENDMENT.MEM.DOC

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING A SECOND AMENDMENT TO THAT CERTAIN AMENDED AND RESTATED/CONSOLIDATED LEASE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI BEACH AND THE MIAMI BEACH JEWISH COMMUNITY CENTER, INC. (JCC), FOR A PARCEL OF LAND AND FACILITIES LOCATED AT 4221 - 4229 PINE TREE DRIVE, MIAMI BEACH, FLORIDA, AMENDING THE AGREEMENT TO EXTEND THE TIME PERIODS FOR THE JCC TO APPLY TO THE CITY'S DESIGN REVIEW BOARD, SUBMIT PLANS FOR THE DESIGN OF THE PROPOSED IMPROVEMENTS TO THE PROPERTY, TO OBTAIN BUILDING PERMITS AND TO COMPLETE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS, AND AMENDING OTHER PROVISIONS OF THE AGREEMENT AS ARE APPROPRIATE UNDER THE CIRCUMSTANCES.

WHEREAS, on June 3, 1981 the City first leased to the Jewish Community Centers of South Florida, Inc. (JCCSF), City-owned property located at 4221 - 4229 Pine Tree Drive, also known as lots 5, 6 and 7 of Flamingo Bay Subdivision, as recorded in Plat Book 6 at Page 101 of the public records of Miami-Dade County, Florida ("Property") (Resolution 81-16678); and

WHEREAS, JCCFS's lease was amended and extended on three occasions, such that the lease term was extended through to October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc. ("JCC"), a not-for-profit corporation (Resolutions 84-17863, 85-18280, and 88-19226); and

WHEREAS, on July 12, 2000, the Mayor and City Commission adopted Resolution No. 2000-23994 approving an Amended and Restated/Consolidated Lease Agreement ("Lease") with the JCC for the Property, subject to referendum, which was duly held and approved, which included provisions in Lease Paragraphs 15.4 and 15.5 that the JCC present Preliminary Plans and Specifications to the City, and make application to the City's Design Review Board ("DRB") for review and approval of same, no later than "three years from the Commencement Date" of the Lease, which is November 8, 2003; and

WHEREAS, while the JCC timely submitted the Preliminary Plans and Specifications as required, they were not accepted by the Administration, which cited inconsistencies with the originally approved Concept Plan, the City Commission has not yet reviewed and approved such plans, and the JCC has requested that the City allow it additional time to work with the City on approving the Preliminary Plans and Specifications, and consider extending the deadline of its requirement to make application to the DRB; and

WHEREAS, the City and JCC entered into a First Amendment to the Amended and Restated/Consolidated Lease (Resolution 2003-25363) on October 15, 2003, extending certain dates as provided for therein; and

WHEREAS, the City and JCC have agreed to continue working towards a mutually acceptable set of Preliminary Plans and Specifications, and to extend the deadline for the JCC to make application to the DRB, submit plans for the design of the proposed improvements to the Property, to obtain building permits and to complete construction of the proposed improvements, and amend other provisions of the agreement as are appropriate under the circumstances; and

WHEREAS, the City and JCC have agreed to certain modifications to Paragraphs 15.4, 15.5, 15.7, 15.8 and 15.11 to accomplish the above, of the Amended and Restated/Consolidated Lease Agreement, to clarify and memorialize them in accordance with the City's negotiations establishing applicable time periods and other requirements; and

WHEREAS, the City Administration recommends that the Mayor and City Commission approve the foregoing amendments to the Amended and Restated/Consolidated Lease Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission authorize the Mayor and City Clerk to execute a Second Amendment to that certain Amended and Restated/Consolidated Lease Agreement by and between the City of Miami Beach and the Miami Beach Jewish Community Center, Inc. (JCC), for a parcel of land and facilities located at 4221 - 4229 Pine Tree Drive, Miami Beach, Florida, amending the Agreement to extend the time periods for the JCC to apply to the City's Design Review Board, submit plans for the design of the proposed improvements to the Property, to obtain building permits and to complete construction of the proposed improvements, and amending other provisions of the Agreement as are appropriate under the circumstances.

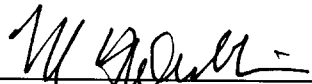
PASSED and ADOPTED this 13th day of October, 2004.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 10-4-04
City Attorney Date

**SECOND AMENDMENT TO AMENDED AND RESTATED/CONSOLIDATED
LEASE**

This Second Amendment to the Amended and Restated/Consolidated Lease Agreement, dated July 12, 2000, (the "Lease"), made and entered into at Miami Beach, Miami-Dade County, Florida, this ____ day of _____, 2004 by and between:

CITY OF MIAMI BEACH,
a Florida municipal corporation
(hereinafter referred to as "Lessor")

and

MIAMI BEACH JEWISH COMMUNITY CENTER, INC.,
a Florida not-for-profit corporation
(hereinafter referred to as "Lessee")

WITNESSETH:

WHEREAS, on June 3, 1981 the City first leased to the Jewish Community Centers of South Florida, Inc. ("JCCSF"), the City-owned property located at 4221 Pine Tree Drive, also known as lots 5, 6 and 7 of Flamingo Bay Subdivision, as recorded in Plat Book 6 at Page 101 of the public records of Miami-Dade County, Florida ("Property") (Resolution 81-16678); and

WHEREAS, JCCSF's lease was amended and extended on three occasions, such that the lease term extended through October 31, 2015, with two additional ten-year options, and was assigned to Miami Beach Jewish Community Center, Inc. ("JCC"), a not-for-profit corporation (Resolutions 84-17863, 85-18280, and 88-19226); and

WHEREAS, on July 12, 2000, the Mayor and City Commission adopted Resolution No. 2000-23994 approving an Amended and Restated/Consolidated Lease Agreement ("Lease") with the JCC for the Property, subject to referendum, which was duly held and approved, which included provisions in Lease Paragraphs 15.4 and 15.5 that the JCC present Preliminary Plans and Specifications to the City, and make application to the City's Design Review Board ("DRB") for review and approval of same, no later than "three years from the Commencement Date" of the Lease, which is November 8, 2003; and

WHEREAS, while the JCC timely submitted the Preliminary Plans and Specifications as required, they were not accepted by the Administration, which cited inconsistencies with the originally approved Concept Plan, the City Commission has not yet reviewed and approved such plans, and the JCC has requested that the City allow it additional time to work with the City on approving the Preliminary Plans and Specifications, and consider extending the deadline of its requirement to make application to the DRB; and

WHEREAS, the City and JCC entered into a First Amendment to the Amended and Restated/Consolidated Lease on October 15, 2003, extending certain dates as provided for therein; and

WHEREAS, the City and JCC have agreed to continue working towards a mutually acceptable set of Preliminary Plans and Specifications, and to extend the deadline for the JCC to make application to the DRB, as per amendments provided for herein; and

NOW THEREFORE, the Lessor and the Lessee, for an in consideration of the mutual covenants, agreements and undertakings herein contained, and in further consideration of the improvements herein mentioned, and to be made; do by these presents mutually covenant and agree as follows:

1. Paragraph 15.4 is amended as follows:

15.4 Lessee shall submit its Preliminary Plans and Specifications to Lessor's City Manager for approval ~~within three years of the Commencement Date~~ on or before February 8, 2005. The City Manager shall have twenty (20) Business Days to review the Preliminary Plans and Specifications. If the City Manager concludes that the Preliminary Plans and Specifications are materially inconsistent with the Concept Plan, the City Manager shall, and in any event the City Manager may, submit the Preliminary Plans and Specifications to the City Commission for its review and approval as Lessor (acting in its proprietary capacity as owner of the Property), at a the next available City Commission meeting that is mutually agreeable to Lessor and Lessee, which agreement shall not be unreasonably withheld, not to extend beyond March 31, 2005, along with a written report of the Administration's review and recommendations, including a review and recommendation from the City's Planning Director. The City Commission may refer the matter to the City's Planning Board for its review and recommendations before acting thereon. If Lessor disapproves the Preliminary Plans and Specifications, then Lessee shall, at its election, either (a) submit Lessor's disapproval to mediation as provided in this Lease, as to the reasonableness of the disapproval, or (b) submit a revised modification to the Preliminary Plans and Specifications to meet Lessor's objections, which revised modification shall be submitted and reviewed as provided above. Failure of the Lessee to seek mediation or submit revised Preliminary Plans and Specifications within sixty days from the date of Lessor's disapproval, shall constitute a Default under this Lease. Along with the Preliminary Plans and Specifications, Lessee shall submit to Lessor a funding plan showing that Lessee will have sufficient funds to timely commence and complete construction as provided herein.

2. Paragraph 15.5 is amended as follows:

15.5 Lessee shall, within two months of Lessor's approval of the Preliminary Plans and Specifications, but no later than ~~November 8, 2004~~ May 6, 2005, submit an application for approval of the design for the Proposed Improvements to the City's

Design Review Board and to other City boards, as applicable. Failure of the Lessee to submit its application, as provided in this Section, to the DRB, ~~by the date which is two months from the receipt of Lessor's final approval as above provided~~ shall constitute a Default under this Lease. Lessee shall pursue approval of its applications to the City boards, as applicable, diligently and in good faith.

3. Paragraph 15.7 is amended as follows:

15.7 Plans and Specifications. Upon receipt of the DRB's approval of the Proposed Improvements, and all other City boards' approvals, as applicable, Lessee shall prepare for review by Lessor construction Plans and Specifications for construction of the Proposed Improvements, consistent with the Preliminary Plans and Specifications, as approved by the Lessee, the DRB, and other City boards, as applicable. The Plans and Specifications shall be submitted to the Lessor (acting in its proprietary capacity as owner of the Property) within twelve months from the date on which the DRB approves the Proposed Improvements, ~~but no later than five years from the Commencement Date~~ (if appealed by third parties, the time shall run from the issuance of a final nonappealable order). The Plans and Specifications, or modifications thereto, shall be reviewed by the City Manager, within twenty (20) business days, except for modifications thereto, which shall be reviewed within ten (10) business days, solely for consistency with the Preliminary Plans and Specifications as the same may have been modified by the DRB or other City boards, as applicable. If Lessor disapproves the Plans and Specifications, then Lessee shall, at its election, either (a) submit Lessor's disapproval to mediation as provided for in this Lease, as to the reasonableness of the disapproval, or (b) submit a revised modification to the Plans and Specifications to meet Lessor's objections, which revised modification shall be submitted and reviewed as provided above. Lessee shall pursue approval by the City of the Plans and Specifications diligently and in good faith.

4. Paragraph 15.8 is amended as follows:

15.8 Conditions Precedent to Lessee's Commencement of Construction of the Proposed Improvements. Lessee shall obtain a final Building Permit in accordance with the DRB approval, for the Proposed Improvements ~~by but~~ not more than ~~five~~ six years from the Commencement Date and failure to do so shall constitute a Default under this Lease. Lessee shall pursue issuance of a building permit by the City diligently and in good faith. Lessor's remedy for this Default, and for all defaults under this Article 15 for failure to follow the time schedule under this Article related to the Proposed Improvements, shall be limited to a reversion of the duration of the Lease term to that last provided in the Prior Agreements, to a termination date of October 31, 2015, with two ten-year lease options by Lessee. In such event, all other remaining provisions of this Lease shall remain in full force and effect. Lessee shall not commence construction of the Proposed Improvements unless and until (a) Lessee shall have obtained and delivered to Lessor copies of all final Permits and Approvals required to commence construction, ~~and~~ (b) Lessee shall have delivered to Lessor original certificates of the policies of insurance required to be carried pursuant to this Lease, and (c) Lessee shall have submitted to Lessor evidence satisfactory to the City Manager that Lessee has sufficient

funds and/or construction financing commitments to timely commence and complete construction as provided herein.

5. Paragraph 15.11 is amended as follows:

15.11 Commencement and Completion of Construction of the Proposed Improvements. Lessee shall at its expense (a) commence construction on or before sixty (60) days after all permits and approvals necessary for the commencement of construction are issued, ~~but no later than five years from the Commencement Date~~ (the "Construction Commencement Date") and (b) thereafter continue to prosecute construction of the Proposed Improvements with diligence and continuity to completion. "Commence Construction" or "Commencement of Construction" means the commencement of major work (such as pilings or foundations) for construction of the Proposed Improvements. Promptly after Commencement of Construction, Lessee shall notify Lessor in writing of the date of such commencement. Any and all preliminary site work (including, without limitation, any environmental remediation and ancillary demolition) shall not be deemed to be Commencement of Construction. If, after Lessee has commenced construction, Lessee fails to diligently prosecute construction of the Proposed Improvements (subject to unavoidable delays), and such failure continues (subject to unavoidable delays) for thirty (30) consecutive days after Lessee's receipt of notice of such failure, Lessor shall, in addition to all of its other remedies under this Lease, have the right to seek such equitable relief (either mandatory or injunctive in nature) as may be necessary to cause diligent and continuous prosecution of construction of the Proposed Improvements (subject to unavoidable delays) by Lessee, it being understood that construction of the Proposed Improvements is a material inducement to Lessor to enter into the Lease and monetary damages shall be inadequate to compensate Lessor for harm resulting from such failure. Notwithstanding anything to the contrary contained herein, if Lessee fails to substantially complete construction of the Proposed Improvements by the date provided for in this Lease, then the same shall constitute a default under this Lease.

6. Except as otherwise specifically amended herein, all other terms and conditions of the Amended and Restated/Consolidated Lease Agreement, together with the First Amendment to the Restated/Consolidated Lease Agreement by and between the Lessor and Lessee shall remain in full force and effect. In the event there is a conflict between the provisions provided herein and the Amended and Restated/Consolidated Lease Agreement and the First Amendment to the Consolidated Lease Agreement, the provisions of this Second Amendment shall govern.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the Lessor and Lessee have hereunto affixed their respective hands and seals at the place, and on the day and date first hereinabove written. Signed, sealed and delivered in the presence of:

Attest:

CITY OF MIAMI BEACH

Dated: _____, 2004

Witnesses:

MIAMI BEACH JEWISH
COMMUNITY CENTER, INC.,
a Florida corporation not-for-profit

By: _____

Print Name: _____


Name: _____


Title: _____

Print Name: _____

Dated: _____, 2004

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION:



City Attorney 

Dated: 10-4-04, 2004

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Setting A Public Hearing For November 10, 2004, To Consider Waiving By 5/7ths Vote, The Disqualification Of Waste Management Of Dade County From Serving As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B) (4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Non-Exclusive Franchise Agreement For Residential And Commercial Waste Collection And Disposal In The City Of Miami Beach.

Issue:

Shall the City Commission Set a Public Hearing?

Item Summary/Recommendation:

On August 18, 2004, the Miami-Dade County Commission on Ethics and Public Trust, ordered and adjudged that Waste Management of Dade County, violated Section 2-487 of the Miami Beach City Code, and that pursuant to the settlement agreement entered into by the Ethics Commission and Waste Management, the complaint was dismissed with Waste Management paying to the Ethics Commission a fine of \$500. Attached is the Ethics Commission Complaint No. 04-21, entitled *Public Report and Order Accepting Settlement Agreement*.


The Administration will present to the City Commission meeting of November 10, 2004, a recommendation to waive the termination of Waste Management's existing agreement for residential and commercial waste collection and disposal in the City of Miami Beach.

The Administration recommends that the City Commission set a public hearing to consider waiving by 5/7ths vote, finding such waiver to be in the City's best economic interest, regarding the non-exclusive franchise agreement for residential and commercial waste collection and disposal in the City of Miami Beach.

Advisory Board Recommendation:

N/A

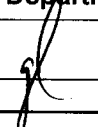
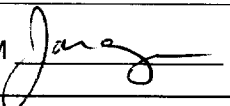
Financial Information:

| Source of Funds:  Finance Dept. | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| | 1 | N/A | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext. 6641

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|--|------------------------|---|
| GL  | PDW _____ | JGM  |

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FURTHER SETTING A PUBLIC HEARING FOR NOVEMBER 10, 2004, TO CONSIDER WAIVING BY 5/7THS VOTE, THE DISQUALIFICATION OF WASTE MANAGEMENT OF DADE COUNTY FROM SERVING AS A VENDOR WITH THE CITY PURSUANT TO MIAMI BEACH CITY CODE SECTION 2-487 (B) (4), FINDING SUCH WAIVER TO BE IN THE BEST ECONOMIC INTEREST OF THE CITY, REGARDING THE NON-EXCLUSIVE FRANCHISE AGREEMENT FOR RESIDENTIAL AND COMMERCIAL WASTE COLLECTION AND DISPOSAL IN THE CITY OF MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution to set the Public Hearing.

ANALYSIS

On January 8, 2003, the Mayor and City Commission passed and adopted Ordinance No. 2003-3389, which amended Miami Beach City Code Chapter 2, Article VII by creating Division 5 thereof entitled "Campaign Finance Reform", and further amended City Code Section 38-6 entitled "Prohibited Campaign Contributions by Vendors". Section 38-6 was also renumbered to Section 2-487.

Section 2-487(A)(3) of the Miami Beach City Code ("City Code") was amended to include the following underscored words:

A person or entity who directly or indirectly makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the city.

Additionally, Section 2-487(B)(4) of the City Code was amended to add the following condition for waiver of the prohibition of an individual or entity from serving as a vendor:

A contract for the provision of goods, equipment or services exists which, if terminated by the City, would be adverse to the best economic interests of the City.

On August 18, 2004, the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission"), ordered and adjudged that Waste Management of Dade County ("Waste Management"), violated Section 2-487 of the Miami Beach City Code, and that pursuant to the settlement agreement entered into by the Ethics Commission and Waste Management, the complaint was dismissed with Waste Management paying to the Ethics Commission a fine of \$500. Attached is the Ethics Commission Complaint No. 04-21, entitled *Public Report and Order Accepting Settlement Agreement*.

The Administration will present to the City Commission meeting of November 10, 2004, a recommendation to waive the termination of Waste Management's existing agreement for residential and commercial waste collection and disposal in the City of Miami Beach.

CONCLUSION

The Administration recommends that the City Commission set a public hearing to consider waiving by 5/7ths vote, finding such waiver to be in the City's best economic interest, regarding the non-exclusive franchise agreement for residential and commercial waste collection and disposal in the City of Miami Beach.

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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Waste Management
Of Dade County

Complaint No. 04-21

PUBLIC REPORT AND ORDER ACCEPTING SETTLEMENT AGREEMENT

The Advocate, ["Complainant"] filed the above-captioned complaint against Waste Management of Dade County, ["Respondent"] alleging violations of Section 2-487 of the Miami Beach City Code, which prohibits campaign contributions by City vendors to candidates for City Mayor or City Commissioner.

Respondent has a non-exclusive franchise agreement with the City. Under the agreement, Respondent pays the City a percentage of its gross receipts and provides garbage collection service to city facilities in exchange for the right to recruit customers within city limits. According to the facts outlined in the complaint, the Respondent contributed five hundred dollars (\$500.00) to the campaign of Simon Cruz, a candidate for City Commissioner in October 2003. Respondent does not refute this fact. Further, Complainant states that at the time the contribution was made, Respondent was listed as a vendor on the City's vendor list.

Respondent claims that the franchise agreement with the City conferred "franchisee" status, not "vendor" status for purposes of the City vendor list, and accordingly, Respondent was permitted to make a campaign contribution.

On August 18, 2004 the Ethics Commission found probable cause to sustain the allegations in the complaint. However, because the violation may have been inadvertent due to the misunderstanding about the term "vendor", the Ethics Commission, pursuant to Section 2-1074 of the Miami-Dade County Code, accepted the agreed upon settlement between Complainant and Respondent, whereby, the complaint was dismissed and the Respondent agreed to pay to the Ethics Commission a fine of five hundred dollars (\$500.00). In full satisfaction of this complaint, the Respondent accepts the attached letter of instruction.


Therefore it is:

ORDERED AND ADJUDGED THAT the Respondent violated Section 2-487 of the Miami Beach City Code, and that pursuant to the settlement agreement, the complaint is dismissed with the Respondent paying to the Ethics Commission a fine of \$500.00.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on August 18, 2004.

MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST

By:


Kerry Rosenthal
Chairperson

RESOLUTION TO BE SUBMITTED

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**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of Proposals for Citizen/ Public Opinion Survey Services, Authorizing the Administration to Enter into Negotiations, Further Authorizing The Mayor and City Clerk to Execute an Agreement Upon Completion of Successful Negotiations by the Administration.

Issue:

Shall the City Commission Accept the Recommendation of the City Manager Pertaining to the Ranking of Proposals Authorizing the Administration to Enter into Negotiations Further Authorizing the Mayor and City Clerk to Execute an Agreement.

Item Summary/Recommendation:

In the City of Miami Beach's (City) ongoing efforts to solicit feedback from the public in order to gauge and measure the success of the delivery of City services, the City seeks to contract for a professional survey(s) to be conducted with members of the Miami Beach community, including, but not limited to residents, members of the business community, and members of civic organizations.

On July 7, 2004, RFP No. 32/03-04 was issued and notices sent to 26 individuals or firms, which resulted in the receipt of eight qualifications packages from the following firms:

- 1) RC Mathews & Associates;
- 2) NuStats;
- 3) The Metropolitan Center;
- 4) Hay Group;
- 5) PMG Associates;
- 6) Nth Degree;
- 7) Data Copy Services; and
- 8) The Center for Research.

An Evaluation Committee appointed by the City Manager recommended the top two firms as follows:

- 1) Hay Group
- 2) The Center for Research

The City Manager concurred with the Committee's recommendation.

Advisory Board Recommendation:

N/A

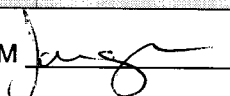
Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|---|--------------|-----------|---|----------|
| <div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept. | 1 | NOT TO | \$45,000 from General Fund | |
| | 2 | EXCEED | \$55,000 from VCA or other General Fund sources as needed | |
| | 4 | | | |
| | Total | \$100,000 | | |

City Clerk's Office Legislative Tracking:

Gus Lopez, Ext. 6641

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|---|
| GL _____ | KB _____ | JGM  |

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
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COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: October 13, 2004

From: Jorge M. Gonzalez
City Manager

Subject: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER PERTAINING TO THE RANKING OF PROPOSALS RECEIVED PURSUANT TO THE REQUEST FOR PROPOSALS (RFP) NO. 32-03/04, FOR CITIZEN/PUBLIC OPINION SURVEY SERVICES; AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF HAY GROUP, INC., AND SHOULD THE ADMINISTRATION NOT BE ABLE TO NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO NEGOTIATE WITH THE SECOND-RANKED FIRM OF THE CENTER FOR RESEARCH & PUBLIC POLICY; FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

AMOUNT AND FUNDING

Estimated \$100,000 (NOT TO EXCEED) from the General Fund (\$45,000 budgeted) and VCA or other General Fund sources as needed (\$55,000 estimated).

ANALYSIS

In the City of Miami Beach's (City) ongoing efforts to solicit feedback from the public in order to gauge and measure the success of the delivery of City services, the City seeks to contract for a professional survey(s) to be conducted with members of the Miami Beach community, including, but not limited to residents, members of the business community, and members of civic organizations.

The City requires consultant services to conduct surveys and a variety of survey-related work that may include:

- (1) Carrying out public surveys (by phone, mail, etc.) of customer satisfaction, opinion, attitude, behavior, and knowledge;
- (2) Conducting focus groups; and

- (3) Providing miscellaneous survey-related consulting support in measuring customer satisfaction and opinion, designing miscellaneous customer research instruments and providing technique validation and pertinent training. All surveys and any accompanying information need to be produced in both English and Spanish languages.

Specifically, the consultant will be responsible for the following, each of which will be subject to the review and approval by the City Manager or his designee:

- (1) Survey Design;
- (2) Conduct focus groups to identify issues;
- (3) Design and review survey format, instrument and questions and revise as needed to insure questions will generate unbiased responses;
- (4) Pretest survey instrument and revise as needed;
- (5) Design format for an executive summary and/or detailed written report that will be used to present the survey findings.
- (6) Survey Administration: Administer the survey to insure a ninety-five (95) percent confidence rating in the survey findings with a five point plus or minus variance, taking into consideration the following factors:
 - a) Sample size, including sub-samples for demographic sub-groups and geographic regions;
 - b) Random selection of respondents to the survey;
 - c) Non-respondents not affecting survey results; and
 - d) Survey implementation, including select interviewers as appropriate.
- (7) Presentation of Survey Results:
 - a) Code the completed survey and computerize the data;
 - b) Develop cross tabulations as required;
 - c) Compare results to other municipalities and jurisdictions;
 - d) Prepare an executive written summary summarizing key survey findings and detailed written report of the responses to survey questions, including actionable recommendations for customer service improvements;
 - e) Make verbal presentation to the City Commission and/or City staff as required; and
 - f) Determine that changes in survey results or trends identified by different surveys are statistically valid.

RFP PROCESS

On July 7, 2004, RFP No. 32/03-04 was issued and notices sent to 26 individuals or firms, which resulted in the receipt of eight qualifications packages from the following firms:

- 1) RC Mathews & Associates;
- 2) NuStats;
- 3) The Metropolitan Center;
- 4) Hay Group;

- 5) PMG Associates;
- 6) Nth Degree;
- 7) Data Copy Services; and
- 8) The Center for Research.

On August 25, 2004, the City Manager via Letter to Commission (LTC) No. 227-2004 appointed an Evaluation Committee (the "Committee"), consisting of the following individuals:

- 1) Roymi Membiela, Committee Chair, President of Roymi Membiela & Associates, Inc., Member of the Cultural Arts Council and North Beach resident
- 2) Phillip Cousins, Chairman of Sofi Logic (LLC), Chairman of Bug Ball Committee and South Beach resident
- 3) Valerie Taylor, Market and Media Director of Virginia Key Beach Park Trust, and South Beach resident
- 4) Daniel Cabrera, self employed in the real estate business, graduate of the Miami Beach Neighborhood Leadership Academy and a Mid Beach resident
- 5) Loretta Cronk, Executive Assistant to Chief Information Officer (CIO), Office of the County Manager (not a Miami Beach resident)
- 6) Ramiro Inguanzo, Chief of Staff, City Manager's Office.
- 7) Kathie Brooks, Director, Office of Budget and Performance Improvement

Committee member Valerie Taylor was unable to serve on the Committee due to prior commitment. Committee member Ramiro Inguanzo attended the committee meeting and listened to presentations, but was called to a family emergency prior to deliberation and therefore was not able to rank and score the firms.

The Committee convened on September 30, 2004 and was provided with an overview of the project, information relative to the City's Cone of Silence Ordinance, and the Government in the Sunshine Law. The Committee then listened to presentations from the eight firms that responded to the RFP. After each presentation, the Committee engaged in a question and answer session with the presenters.

The Committee was instructed to rank and score each proposal pursuant to the evaluation criteria established in the RFP, which was as follows (total possible 100 points):

| <u>Evaluation Criteria/Factors</u> | <u>Weight</u> |
|--|---------------|
| ▪ Experience and Qualifications of the Firm | 15 points |
| ▪ Experience and Qualifications of the Individuals Assigned Provide All Survey Related Work | 30 points |
| ▪ Methodology and Approach | 15 points |
| ▪ Cost/Fees | 20 points |
| ▪ Successful Past Performance in Providing Similar Services | 20 points |

The Committee then scored and ranked the firms as follows:

| <u>NAMES</u> | <u>FIRMS</u> | | | | | | | |
|------------------|----------------|----------------|---------------------|------------------|------------|-------------------|------------------|-------------------|
| | <i>RC</i> | | | | | | | |
| | <i>Mathews</i> | <i>NuStats</i> | <i>Metropolitan</i> | <i>Hay Group</i> | <i>PMG</i> | <i>Nth Degree</i> | <i>Data Copy</i> | <i>The Center</i> |
| <i>R.</i> | | | | | | | | |
| <i>MEMBIELA</i> | 56(8) | 65(4) | 70(3) | 86(1) | 61(7) | 63(6) | 64(5) | 84(2) |
| <i>P.COUSINS</i> | 40(7) | 65(4) | 60(5) | 85(2) | 55(6) | 70(3) | 35(8) | 95(1) |
| <i>D.</i> | | | | | | | | |
| <i>CABRERA</i> | 60(4) | 38(8) | 48(6) | 79(2) | 53(5) | 78(3) | 40(7) | 80(1) |
| <i>L. CRONK</i> | 55(5) | 45(7) | 64(3) | 77(1) | 50(6) | 62(4) | 9(8) | 65(2) |
| <i>K.</i> | | | | | | | | |
| <i>BROOKS</i> | 57(6) | 63(5) | 78(3) | 93(1) | 74(4) | 55(7) | 9(8) | 86(2) |

The Committee recommended the top two firms as follows:

- 1) Hay Group
- 2) The Center for Research

The Committee ranked the Hay Group as the number one firm based on the following:

- 1) Founded in 1975, Hay Group has surveyed more than 3,000 client organizations, specializing in the following areas:
 - a) External Customer/Citizen Satisfaction Measurement
 - b) Internal Customer Satisfaction Measurement
 - c) Employee Opinion Surveys
 - d) Business Culture Assessments
 - e) Retention Surveys
 - f) Diversity Assessment
 - g) HR Effectiveness
 - h) Program Evaluation
- 2) In 2002 and 2003, Hay partnered with Miami-Dade County on two survey initiatives:
 - a) Resident survey of incorporated and unincorporated areas; and
 - b) Resident and Business survey for the Department of Environmental Resource Management (DERM).

The goals of the two surveys were to: understand satisfaction levels with County/ Department services and identify where the gaps exist. The surveys were administered via mail to sample of residents and businesses. The results were processed and summarized by Hay for presentation/reports, which resulted in recommending action areas based on survey results.

The Hay Group proposed the following methodology and approach to the city's survey:

- 1) Project Planning- Schedules, roles, responsibilities, deliverables, knowledge transfer and segmentation
- 2) Pre-Survey Communication- Communicate purpose, process and expected outcomes
- 3) Sampling Plan- Create a sampling plan that will ensure statistically reliable and valid conclusions
- 4) Survey Development- Input from various sources, pre-test, translations
- 5) Survey Administration- Paper and pencil, internet, telephone
- 6) Data Processing, Analysis & Reporting- Quality control, quick turnaround, report production, city-wide analysis
- 7) Presentation of Results to Management- Targeted to prioritize strengths & opportunities, key drivers, process moving forward
- 8) Report Training- City staff trained on interpreting data and developing action plans
- 9) Post-survey Communication- Share results with city commission, city employees, citizens, the business community and civic organizations

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the attached resolution, which recommends the acceptance of the ranking proposals received pursuant to the Request for Proposals (RFP) No. 32-03/04, for Citizen/Public Opinion Survey Services; authorizing the Administration to enter into negotiations with the top-ranked firm of Hay Group, Inc., and should the Administration not be able to negotiate an agreement with the top-ranked firm, authorizing the Administration to negotiate with the second-ranked firm of The Center for Research & Public Policy; further authorizing the Mayor and City Clerk to execute an agreement upon completion of successful negotiations by the Administration.

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RESOLUTION TO BE SUBMITTED